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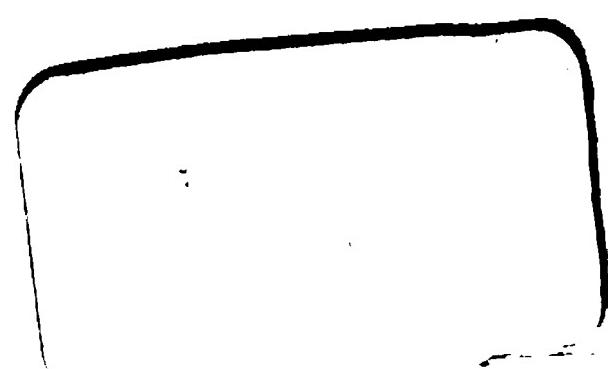
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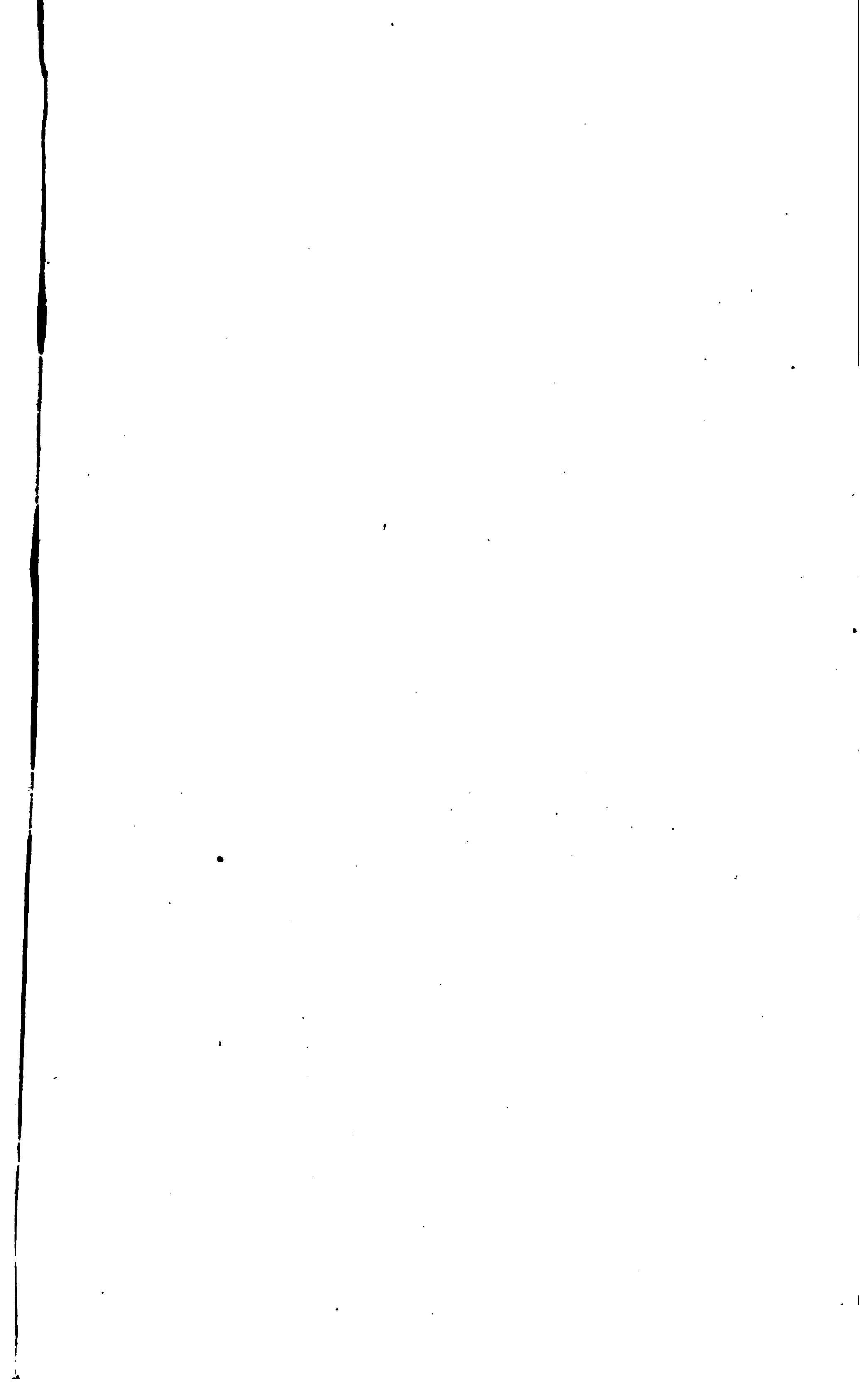
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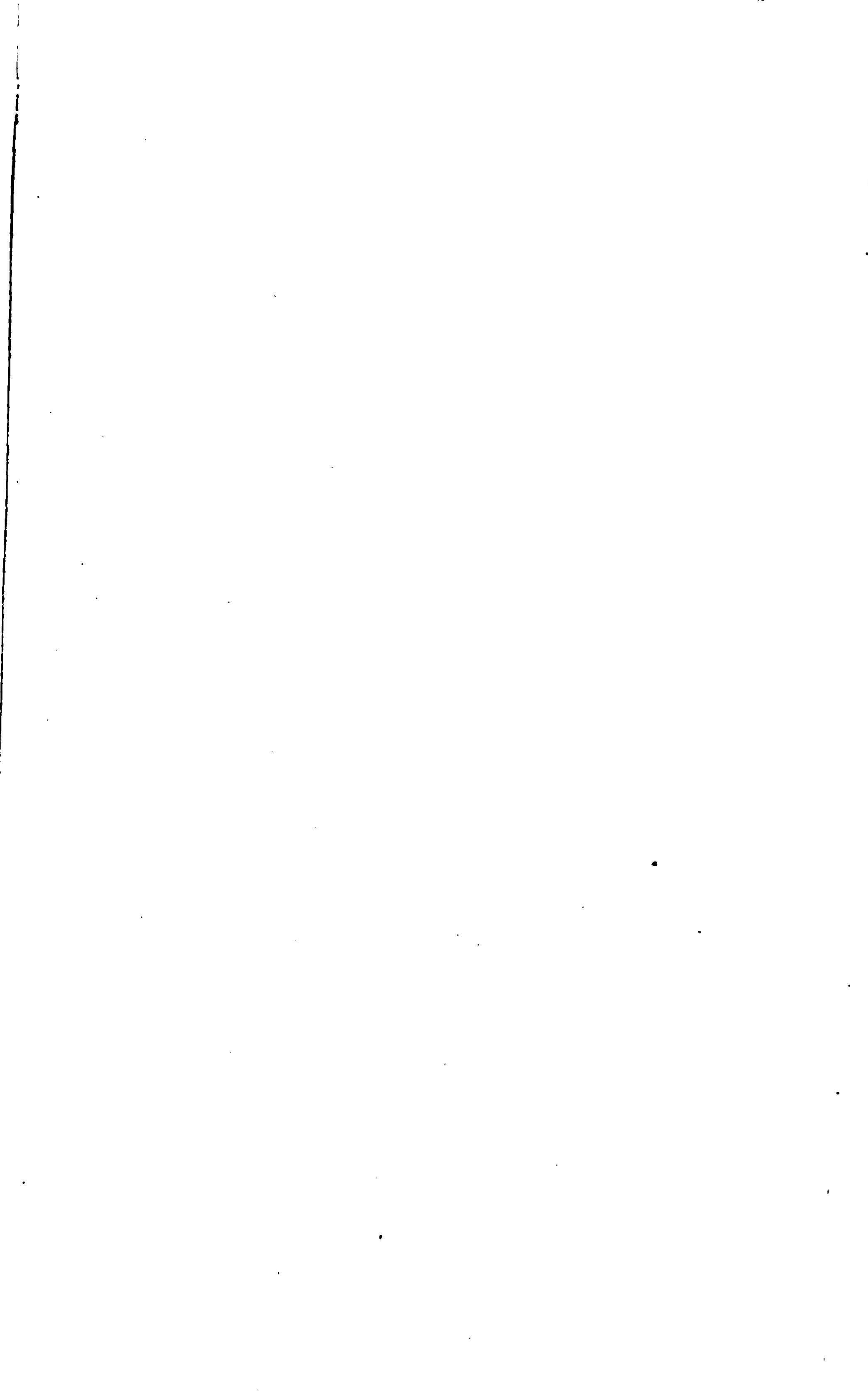
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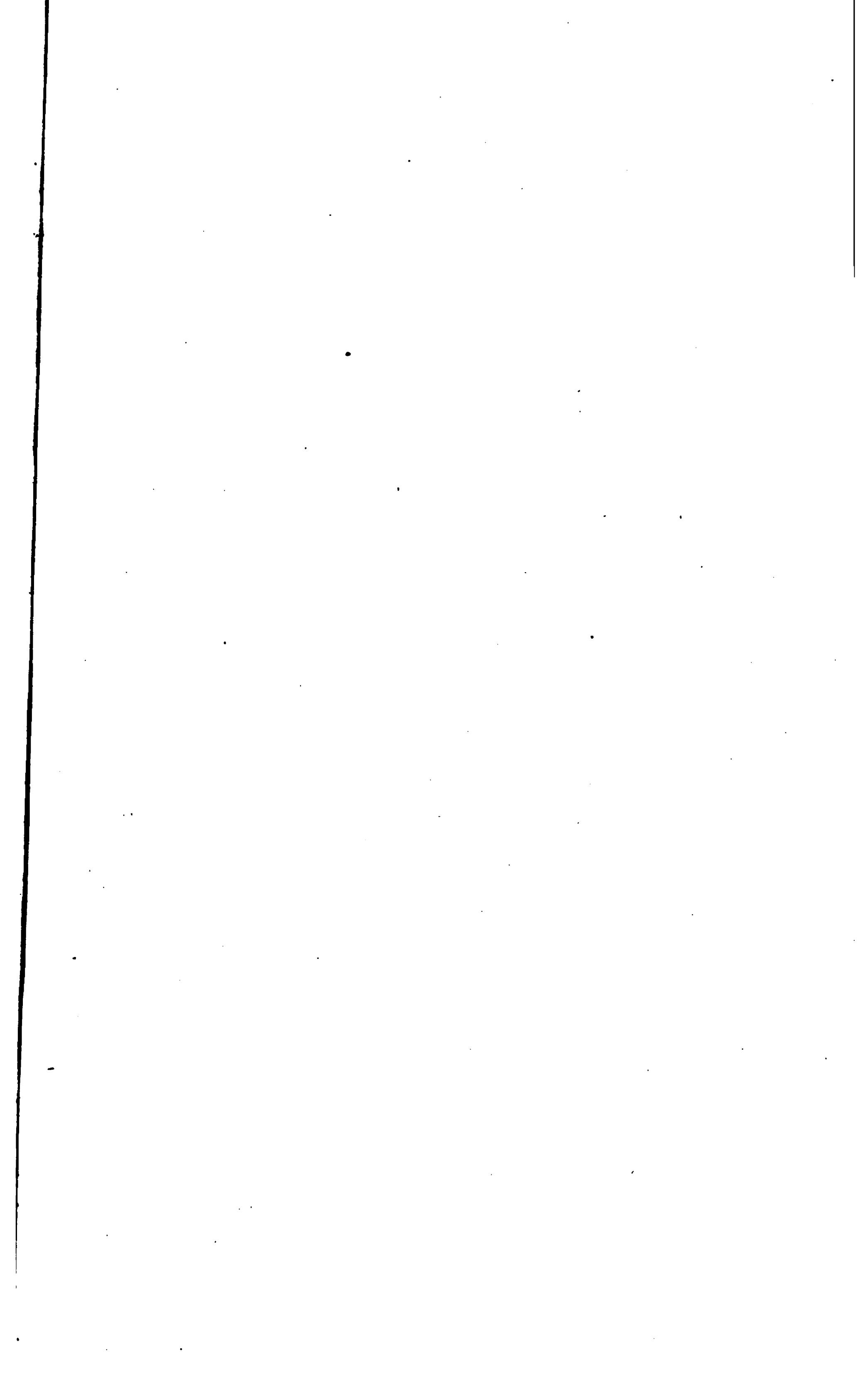


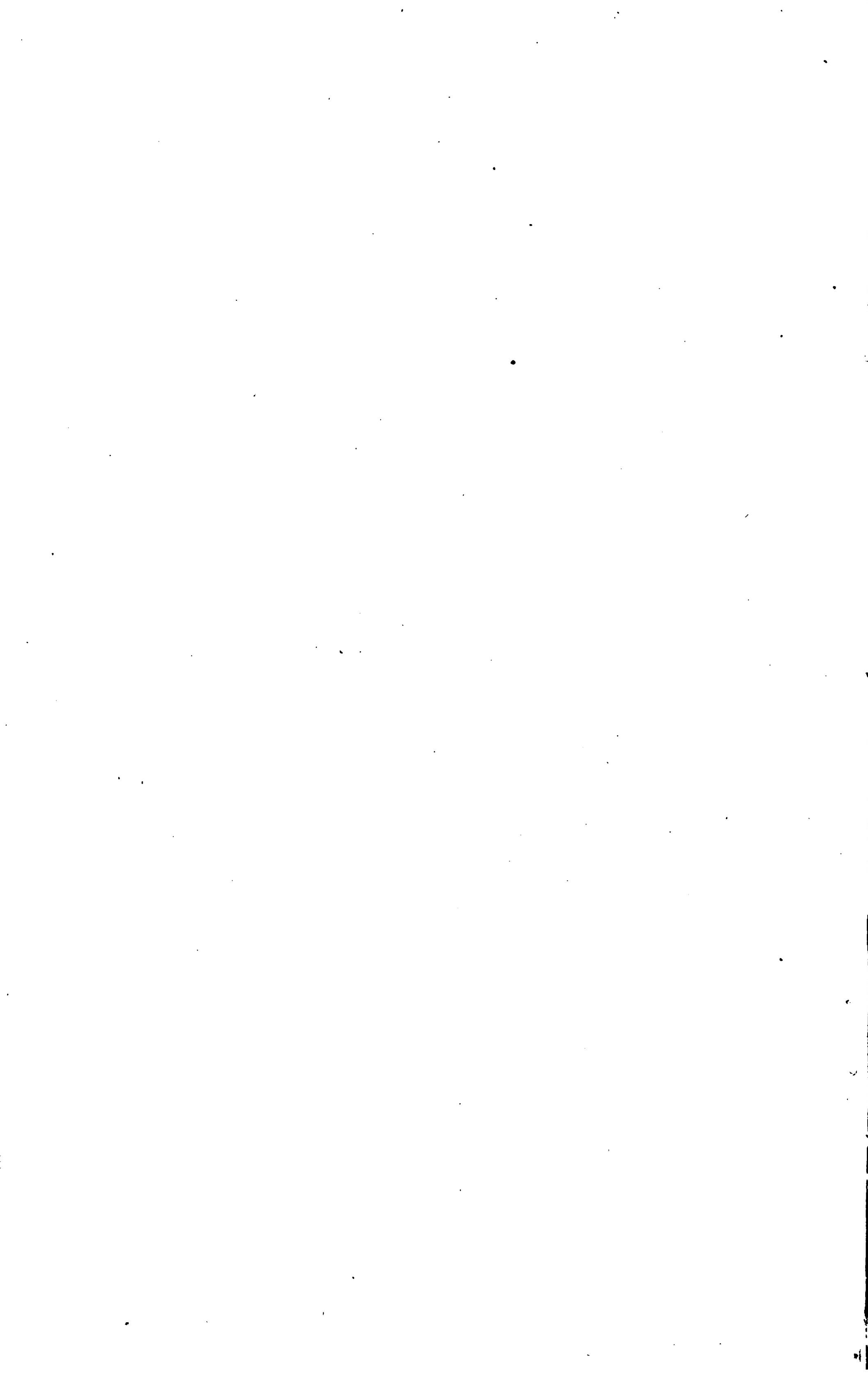












ACTS

OF THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF NEW JERSEY

AND

Sixtieth Under the New Constitution.



TRENTON, N. J.:
MACCRELLIS & QUIGLEY, STATE PRINTERS.

1904.

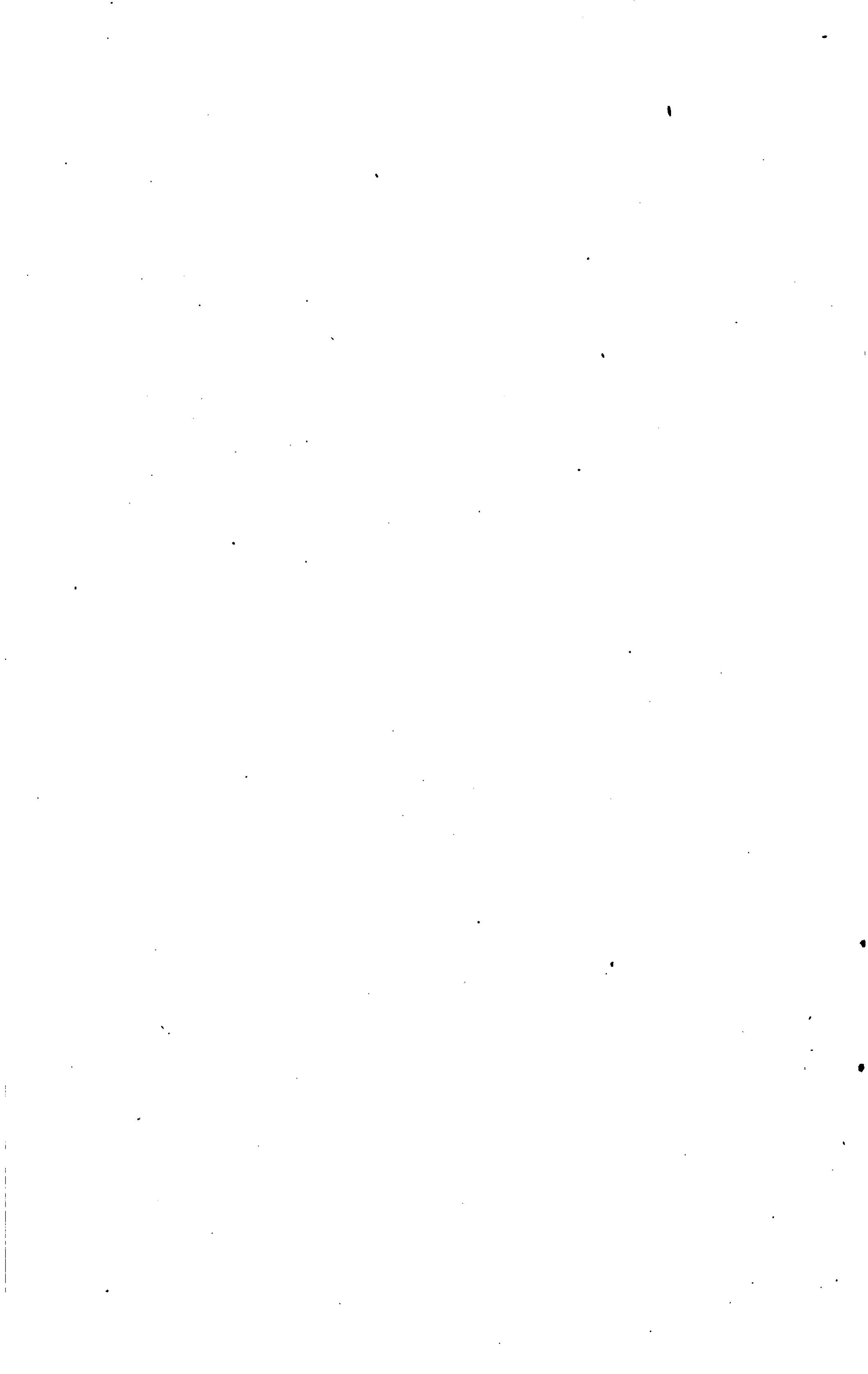
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SEARCHED SERIALIZED INDEXED

The following laws, passed by the One Hundred and Twenty-eighth Legislature, are published in accordance with "An act for the publication of the laws," passed June 13th, 1895, and "A supplement to the act entitled 'An act relative to statutes,'" approved March twenty-seventh, eighteen hundred and seventy-four, which supplement was approved February 4th, 1896.

The proclamations of the Governor follow. An index of all the laws, compiled in accordance with the act of 1895, completes the work.

S. D. DICKINSON,
Secretary of State.



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OF THE
One Hundred and Twenty-eighth Legislature
OF NEW JERSEY.

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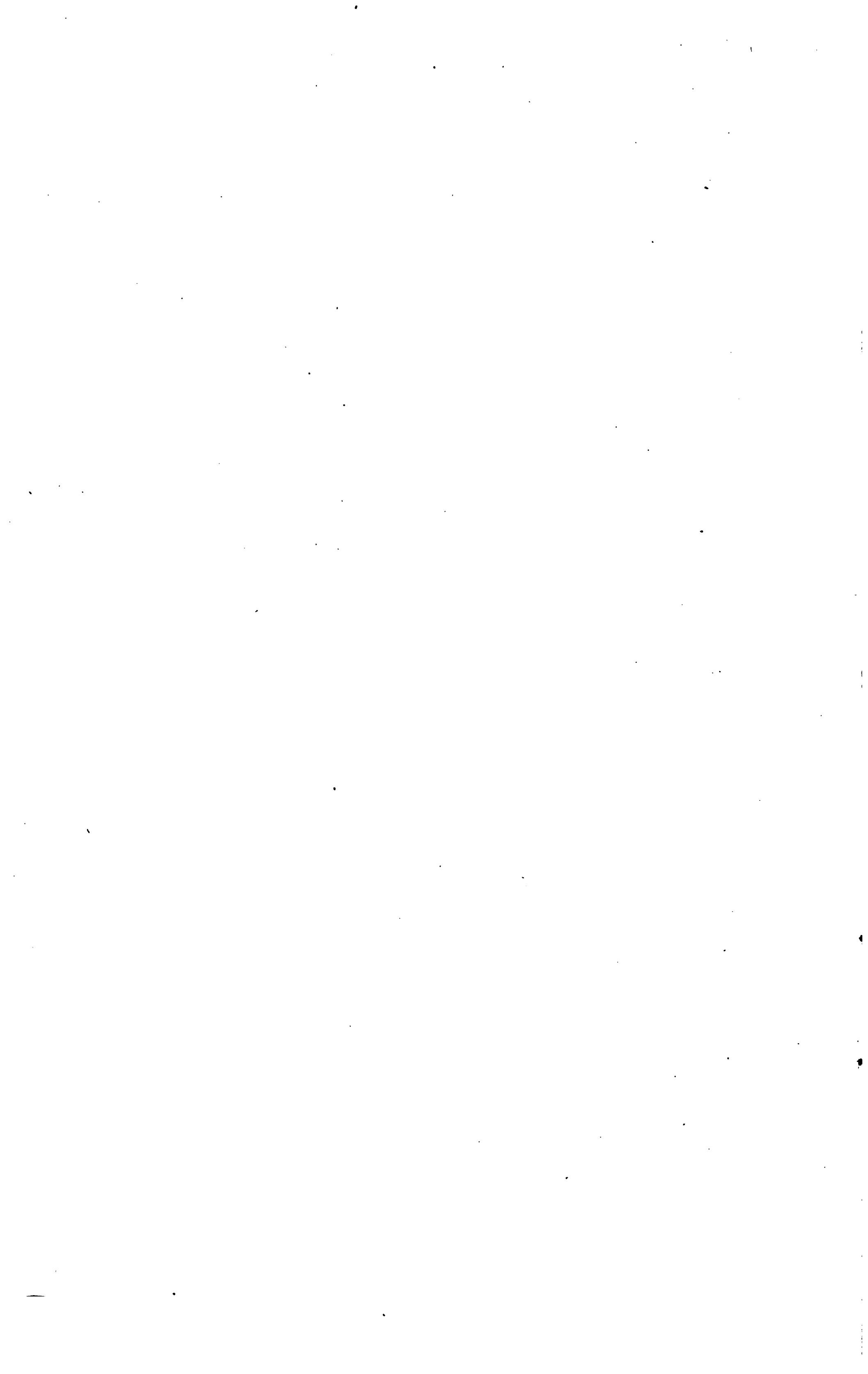
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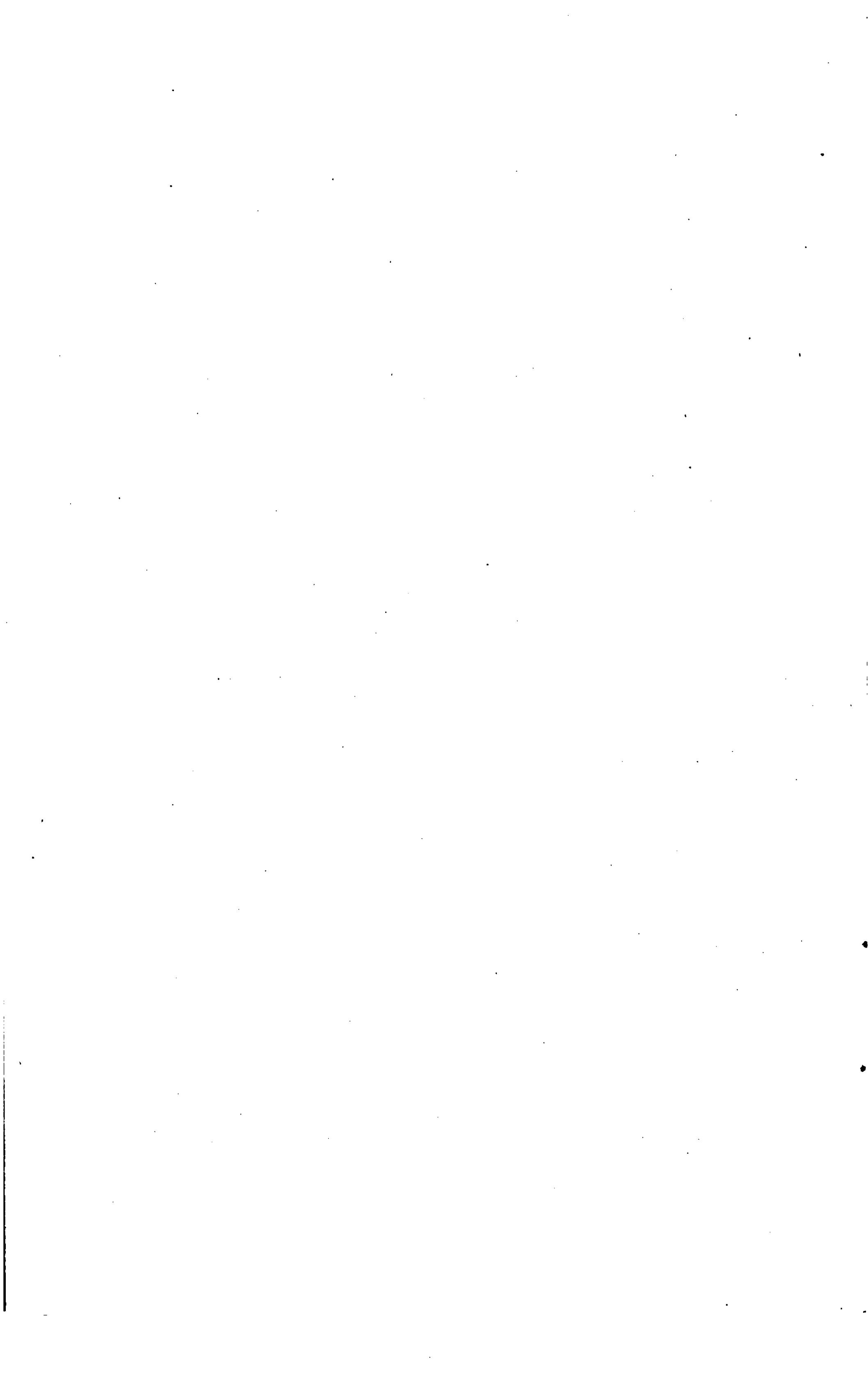
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LAWS



ACTS

PASSED BY THE

One Hundred and Twenty-eighth Legislature.

CHAPTER I.

A Supplement to an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

WHEREAS, By a revision of the laws of this state relating to the assessment and collection of taxes entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, which act took effect as therein provided on the twentieth day of December, one thousand nine hundred and three, it was, among other things, provided as follows: "There shall be established a board for the equalization, revision and enforcement of taxation, to be called the state board of taxation, which shall consist of four citizens of this state, who shall be appointed by the governor, by and with the advice and consent of the senate; their term of office shall commence on the first Monday of April and shall be for a period of five years; no more than two persons of the same political party shall be appointed members;" and setting forth therein the powers and duties of the said board, as by reference thereto will more fully appear; and

WHEREAS, Doubts exist as to whether the terms of office of the members of the state board of taxation holding office at the time the said act went into effect,

LAWS, SESSION OF 1904.

and prior thereto, did not end and terminate when the said act went into effect, except for the purpose of concluding business pending before the said board relating to the assessment and collection of taxes assessed prior to the year one thousand nine hundred and three; and

WHEREAS, It was the intention of the legislature in passing the said act simply to revise the laws theretofore passed relating to the powers and duties of the said board, and not to deprive them of the powers theretofore given the said board; therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The members of the state board of taxation holding office immediately prior to the date when the said act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, took effect, be and the same are hereby each continued in office until the third Monday in February, one thousand nine hundred and four, when the terms of all the said members shall cease, end and terminate, and they shall have all the powers, privileges, rights, salary, compensation and authority, conferred by the laws of this state, upon the state board of taxation until the third Monday of February, one thousand nine hundred and four.

2. In all matters and proceedings had and taken by or before the said state board of taxation, or which may be had or taken relating to the assessment and collection of taxes assessed or collected prior to the twentieth day of December, one thousand nine hundred and three, the proceedings had and taken, or to be had and taken by or before the said board in relation thereto, and the action of the board thereon, and all powers, privileges and duties of the said board in regard thereto shall be regulated and controlled by the provisions of the laws of this state in force prior to the twentieth day of December, one thousand nine hundred and three, and that in all matters and proceedings had or taken, or which may be had and taken, relating to the assessment and collection of taxes assessed or collected after the said twentieth day of December, one thousand nine hundred and three, the proceedings had or taken, or to

Term ex-
tended—
when ceases.

Regulations
of acts and
proceedings.

be had or taken before the said board, and the action of the said board thereon, and the powers and duties of the said board in relation thereto, shall be regulated and controlled by the provisions of the laws of this state applicable thereto in force on and after the said twentieth day of December, one thousand nine hundred and three.

3. All proceedings had and taken by the said board since the twentieth day of December, one thousand nine hundred and three, in accordance with the provisions of the said act of April eighth, one thousand nine hundred and three, and in accordance with the provisions of this act, be and the same are hereby validated and confirmed.

4. Section thirty-two of an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

32. There shall be established a board for the equalization, revision and enforcement of taxation, to be called the state board of taxation, which shall consist of four citizens of this state, who shall be appointed by the governor, by and with the advice and consent of the senate; their term of office shall commence on the third Monday of February and shall be for a period of five years, but the terms of the first appointees under this act shall commence on the third Monday of February, one thousand nine hundred and four; no more than two persons of the same political party shall be appointed members; each member shall, before entering upon his duties, file with the secretary of state an oath that he will faithfully discharge the duties of his office; they shall each receive an annual salary of two thousand eight hundred dollars, which shall include their expenses; they may appoint a secretary, who shall receive an annual salary of two thousand five hundred dollars, which shall include his expenses; three members shall constitute a quorum of said board and any official act shall be valid which has the sanction of three members; they shall have power to employ clerical and other assistants, who shall be paid reasonable compensation, to be determined by the board upon the approval of the governor; the board shall keep a full record of their proceedings and shall

Proceedings
validated.

Section
amended.

State board
of taxation—
appointment,
term, salary,
etc.

Assistants.

**Powers, rules,
etc.**

have power to make rules, orders and directions, as they may deem necessary to a faithful discharge of their own duties, the duties of their assistants and also to secure the equalization, revision and enforcement of taxation in this state; they shall have the power to compel the attendance of witnesses and the production of books and papers, and may examine witnesses under oath, which either of them may administer, and they may delegate such powers to any member of their board authorized by them to investigate and report; and they may ex parte apply for and obtain from any justice of the supreme court an order compelling any person to submit to examination in reference to such matters, and said justice may punish any person as for contempt who shall disobey any order made by such justice in the premises.

**Validity of
proceedings.**

5. All proceedings had and taken by or before the state board of taxation prior to or after the twentieth day of December, one thousand nine hundred and three, and then pending and undetermined, shall be continued and determined by the board appointed under the authority of the said act approved April eighth, one thousand nine hundred and three, and this amendment thereto; and the board hereafter appointed under the authority of the said act of April eighth, one thousand nine hundred and three, and this amendment thereto, shall, for this purpose, have all the power and authority conferred upon the state board of taxation at the time such proceedings were instituted, and shall proceed to conclude and determine the same, under such power and authority.

6. This act shall take effect immediately.

EDMUND W. WAKELEE,

President of the Senate.

JOHN BOYD AVIS,

Speaker of the House of Assembly.

Approved February 1, 1904.

FRANKLIN MURPHY,

Governor.

CHAPTER 2.

An Act to authorize any village to separate itself from the township in which it is contained, and giving to such village complete autonomy of local government.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The governing body of any village in this state may, by the votes of a majority of such governing body, pass a resolution for the holding of a special election in such village for the purpose of deciding whether such village shall be separated from the township in which it is contained and given complete autonomy of local government under the provisions hereof, which resolution shall prescribe the time and place or places of holding such election, and such other regulations respecting the same as may be deemed by said governing body necessary and proper.

Separation
of village
from
township.

2. Notice of such election shall be given by advertisement, published in one or more newspapers published in such village (or if there be no newspaper published in such village, then in two newspapers published at the county seat of the county in which said village is situate), at least one week next before such election, and by printed notices posted in at least ten conspicuous places in such village at least ten days next preceding the time appointed therefor, which advertisements and notices shall specify the time, place or places, and the object and purpose of such election.

Notice of
election.

3. Such election shall be by ballot and conducted under the laws respecting elections; the governing body of such village shall provide separate ballots for the use of voters at such election, one whereof shall contain the words "For separation from the township," and the other shall contain the words "Against separation from the township;" if a majority of the votes cast at such

Election; how
conducted.

Ballots.

Certificate
of result.

election shall be in favor of such separation, the president or other head officer of such village shall, within three days after the result of such election shall be declared, file a certificate of such result, signed by himself and the village clerk, under the seal of the said village, together with a certified copy of such resolution and of the statement of the board of canvassers or election officers who canvassed the vote, and proofs by affidavits that due notice of such election was given, with the secretary of state, and from and after filing the same such village shall be separated from the township in which it is contained and shall thereafter have complete autonomy of local government.

4. This act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved February 9, 1904.

CHAPTER 3.

A Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Fire commis-
sioners.

Organization,
rules, etc.

1. In any city which has adopted, or which shall hereafter adopt, the act to which this is a supplement, the city council may, by ordinance, from time to time, create a board of fire commissioners, which board shall consist of such number of persons, appointed for such time or times as the city council may determine; the city council may, by ordinance, make such provisions as it may deem proper for the organization of said board of fire commissioners, the election or appointment of the officers thereof, the keeping of records of said board and of the fire department, and rules and regulations governing said board and governing the fire de-

partment, and may, by ordinance, confer upon said board of fire commissioners the power to appoint the chief of the fire department and other subordinate officers and employes of such department, and may confer upon such board all such powers as the city council may deem necessary for the efficient conduct, management and control of the fire department, including among others the power of fixing the duties and compensation of all officers and employes of said fire department, except the duties and compensation of said fire commissioners, which may be fixed by the city council; the city council may by ordinance abolish, or provide for the abolition, of any offices or employments in or connected with any fire department in such city; any ordinance or ordinances adopted by the city council pursuant to this section may at any time be altered, amended or repealed by the city council.

Rights of
council.

2. It shall be lawful for the city council of any such city to purchase all such property, real and personal, as may be necessary or proper for the use of its fire department, and for such purpose may issue the corporate bonds of such city in the manner provided for the issue of bonds in the act to which this is a supplement.

Issue bonds
to acquire
property.

3. This act shall take effect immediately.

Approved February 24, 1904.

CHAPTER 4.

An Act to incorporate the township of Fredon, in the county of Sussex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the townships of Andover, Green, Hampton and Stillwater, in the county of Sussex, hereinafter set forth, are hereby constituted and declared to be a body corporate, in fact and in law, by the name of the township of Fredon,

Corporate
name.

in the county of Sussex, and shall be governed by the general laws of this state relating to townships.

Boundaries.

2. The boundaries of the said township shall be as follows: beginning at a place called the "Devil's Hole," being a corner of the townships of Andover and Hampton and the town of Newton, and located on what is known as the "Babbitt farm," and runs from thence (1) south, seventeen degrees and fifty minutes west, one hundred and thirty-four chains and forty links to the center of the first small bridge in the road leading from Springdale to Fredon; thence (2) south, thirty-eight degrees and thirty minutes west, one hundred and thirty-six chains and thirty-six links to a mark on the top of a limestone rock lying on the pinnacle of a limestone ledge, on the farm of Walton C. Whittingham (known as the Hill farm), and southeasterly from the house on said farm; thence (3) north, seventy-three degrees and ten minutes west, one hundred and forty-five chains and eighty-three links to the center of the bridge near the crossroads on the farm belonging to the estate of George Greer, deceased (known as the Jacob Roe farm); thence (4) south, eighty-one degrees and thirty minutes west, one hundred and fifty-nine chains and fifty-five links to the corner of the townships of Green and Stillwater, at the yellow frame church, and in the line between the counties of Sussex and Warren; thence on said line (5) north, thirty-one degrees and twenty minutes west, one hundred and thirty-two chains and seventy-five links to the center line of the New York, Susquehanna and Western railroad, as the same is described and on file in the office of the secretary of state, at Trenton, New Jersey; thence (6) northeasterly, on the center line of the said railroad, as therein fully described, the distance of four hundred and eighty chains, or to a point near what is known as the Swartswood creamery, which point is distant one thousand three hundred and ninety-eight feet southwesterly from the face of the southwest abutment of the culvert under said railroad on the public road leading from Newton to Swartswood; thence (7) south, forty-nine degrees east, forty-nine chains and twenty-five links to a slate rock, standing perpendicular and marked F. H., being on a high hill in or near the

line of Samuel Cassidy's farm; thence (8) north, eighty-two degrees and thirty minutes east, ninety-eight chains and ninety links to the most northwesterly corner of the said town of Newton, and also a corner of the said township of Hampton; thence on a line of the town of Newton (9) south, twenty-one degrees and thirty minutes west, one hundred and fifteen chains and seventy links to the center of the bridge near what is known as the Babbitt farm house, on the road from Newton to Huntsburg, another corner of the town of Newton; thence (10) south, twenty-seven degrees east, twenty-two chains and twenty links to the place of beginning.

3. This act shall take effect immediately.

Approved February 24, 1904.

CHAPTER 5.

An Act to incorporate the borough of West Caldwell.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the county of Essex hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of West Caldwell," and as such shall be governed by the general laws of this state relating to boroughs.

Corporate name.

2. The boundaries of said borough shall be as follows: all that portion of the township of Caldwell, in the county of Essex, described as follows: beginning at a point in the line between the borough of Caldwell and the borough of North Caldwell, which said point is the northeasterly corner of Charles F. Hopwood's house lot; thence running in a northerly direction along the line of the borough of North Caldwell to the intersection of said line with the centre line of Central avenue; thence in a westerly direction to the most easterly corner of lands of George W. Van Ness, formerly John H.

Boundaries.

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Van Ness; thence in a westerly direction along the division line between the said John H. Van Ness' lands and lands of the Fairfield dairy company to the Big ditch; thence southwesterly along the line of the school borough of Caldwell as established in 1873 to the corner of land of Zenas G. Harrison on the Passaic river; thence up the Passaic river the several courses thereof to the Livingston township line; thence along the Livingston township line to a point in the centre of Harrison avenue, which said point is in the division line between lands of Theo. V. A. Trotter and Rufus F. Harrison; thence in a northeasterly direction along the said division line to the line of the borough of Essex Fells; thence northerly and westerly along the line of the borough of Essex Fells to the intersection of the same with the Caldwell borough line; thence along the line of the borough of Caldwell in its several courses to the point or place of beginning.

3. This act shall take effect immediately.

Approved February 24, 1904.

CHAPTER 6.

An Act to incorporate the borough of Haworth, in the county of Bergen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the township of Harrington and the borough of Dumont, in the county of Bergen, hereinafter set forth and described, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Haworth," and as such shall be governed by the general laws of this state relating to boroughs.

Corporate
name.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at a point in the northerly boundary line of the borough of Dumont and westerly boundary line of the borough of Demarest, said point being dis-

tant one hundred feet from the westerly side of Knickerbocker road; thence (1) running in a westerly direction along the north boundary line of the borough of Dumont to the Schraalenburgh road; thence (2) still westerly, along the southerly side of the Schraalenburgh road, as it bends to the west, crossing same as it bends to the south to a fence standing on the west side of the Schraalenburgh road, on the south side of a street known as New avenue, said street being sixty feet (60 ft.) in width, and said fence being about twenty feet (20 ft.) southerly from the division line between the lands of John H. Christie and David Z. Christie; thence (3) running along said south fence line of said street north, seventy-eight degrees forty five minutes west, in a straight line and parallel with the center line of said road and division line between the lands of G. Demarest and those belonging formerly to the estate of John G. Zabriskie to western boundary line of borough of Dumont and east boundary line of the borough of Delford; thence (4) along said eastern boundary line of the borough of Delford to the northern boundary line of said borough of Delford; thence (5) west, along the north boundary line of the borough of Delford to Flatts road, in the division line of lands formerly belonging to David I. Zabriskie and G. D. Demarest now belonging to Hugh J. Grant; thence (6) running still along the north borough line of the borough of Delford, as the same runs, about two thousand two hundred and nineteen feet (2,219) to the channel of the Hackensack river; thence (7) northerly, easterly and northeasterly along the various courses of said channel of the Hackensack river to the point where same is intersected by the southern boundary line of the borough of Closter, being the south line of property formerly owned by Christian Van Horn, now Garret Van Horn; thence (8) east, along said Garret Van Horn's south line to the point where same is intersected by the center line of the right of way of the West Shore railroad; thence (9) southerly, along the center line of the West Shore railroad to a point where same is intersected by the prolongation of the north line of the farm formerly owned by John P. Westervelt (deceased), and now owned by Joseph F. Mount; thence

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(10) easterly, along the prolongation of said line and north line of said farm to the western boundary line of the borough of Demarest, said point being distant one hundred feet (100 ft.) west, from the westerly side of Knickerbocker road; thence (11) southerly, along the westerly line of the borough of Demarest and parallel with the Knickerbocker road to point or place of beginning.

3. This act shall take effect immediately.

Approved February 24, 1904.

CHAPTER 7.

An Act authorizing any town, township, borough or village to contribute to the support and maintenance of any hospital of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Aid to hospitals

1. The voters of any town, township, borough or village in this state be and they hereby are authorized and empowered, at the annual town, township, borough or village election, by a majority of all the votes cast at such election, to raise such sum or sums of money as they may determine for the purpose of maintaining or aiding in the maintenance of public patients in any hospital situated in this state, which moneys so voted shall be assessed and collected as other moneys in said town, township, borough or village are assessed and collected, and shall be paid over to such hospital from time to time as directed by the governing body of such town, township, borough or village.

2. This act shall take effect immediately.

Approved February 29, 1904.

CHAPTER 8.

An Act to amend an act entitled "An act to prescribe the mode of filling vacancies in municipal offices in cities of this state when such vacancies have heretofore occurred or shall hereafter occur by reason of the failure of municipal officers to take and subscribe the oath of office within the time prescribed," approved May ninth, one thousand eight hundred and ninety-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. An act entitled "An act to prescribe the mode of filling vacancies in municipal offices in cities in this state when such vacancies have heretofore occurred or shall hereafter occur by reason of the failure of municipal officers to take and subscribe the oath of office within the time prescribed," approved May ninth, one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows:

I. Whenever any vacancy has heretofore occurred, or shall hereafter occur, in any municipal office in any city of this state, by reason of the failure of the person elected or appointed to fill such office to take and subscribe the oath of office required by law, within the time prescribed, such vacancy shall cease, and such office shall be filled, by the person so failing to qualify, upon his taking and subscribing the oath required by law, before any officer of this state authorized to administer oaths; *provided*, that such person so failing to qualify as aforesaid had presented himself to an officer of this state authorized to administer oaths before or at the time prescribed by law for the commencement of the term of such office, for the purpose of taking and subscribing such oath, or was qualified by law to participate in the organization

Section amended.

When municipal officers may qualify.

Proviso.

LAWS, SESSION OF 1904.

of the board or body at the time when such vacancy occurred.

2. This act shall take effect immediately.

Approved March 1, 1904.

CHAPTER 9.

AN ACT to amend an act entitled "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

I. Section sixteen of said act be and the same is hereby amended so as to read as follows, to wit:

Preamble.

AND WHEREAS, Many owners of meadows, already banked from the tide, suffer great loss and damage by the conduct of others who own meadow lying within the same bank and neglect or refuse to keep their part or parts of the bank, works and water-courses in good repair; therefore be it enacted, that in all cases where several persons own meadow ground within one and the same bank, dam or other inclosure, and liable to be overflowed or damaged by a breach in any part of such bank, dam or other works, and any of the owners or occupiers of any part thereof, shall neglect or refuse to keep his, her or their part or parts of said banks or works in repair, to the damage or danger of the other owner or owners, any owner or owners so damaged, or in danger of being damaged by such neglect, may, upon six days' notice being given to the other owners or occupiers, apply to the judges of the inferior court of common pleas of the county where such meadow may be, who shall appoint, by a certifi-

Application
made to court
when dams,
banks, etc.,
not cared for.

cate, under the hands of a majority of them, three or more men, as before described, who after giving ten days' previous notice to all concerned of the time and place of meeting, shall hear the parties, view the premises, and, after taking into consideration every circumstance, matter and thing which may tend to enable them to do justice between the parties, divide the bank and other works necessary for the safety and improvement of the meadows and give and allot to each owner and occupier, his or her respective share or part to keep up and maintain; or direct that the whole of such bank and works shall be supported by a tax, laid from time to time, agreeably to the quantity and quality of the meadow inclosed from the tide by said bank; and, likewise, in either case, lay out all the necessary general water-courses in such places as may be most convenient and beneficial for the purposes of draining the meadows generally, and least detrimental to the owners of the soil; and order the maintenance of the water-courses in the same manner as the banks and works, either by giving each owner his or her share or part of the bank and works to make, keep up and maintain, or order that the whole of the bank, dam and other works and general water-courses shall be made and maintained by a general tax; and give a certificate of their proceedings, with the courses and distances, if required by any owner or owners, signed by a majority of the commissioners appointed as aforesaid; *provided*, that at any time after the expiration of ten years from the recording of said certificate and certificates, any owner or owners desirous of being relieved from the operation and effect of such order, certificate and certificates, for the purpose of filling in, improving or otherwise changing the existing condition of his, her or its meadows, or a part thereof, may apply to the said court of common pleas, after giving at least two weeks' previous notice to the remaining owner or owners, by notice left at the place of abode of each, or by advertising his, her or its intention to take action under this provision of this act, in four of the most public places in the neighborhood of said meadows, for at least two weeks previous to such application, and the said court of com-

Committee
to view
premises and
divide re-
sponsibility.

Tax may be
laid.

Water-courses.

Proviso.

Application
for relief.

Notice.

New order of
maintenance.

Certificate of
finding.

Application.

mon pleas is hereby directed to appoint three judicious and disinterested men as commissioners, a majority of whom, after giving notice, hearing the parties in interest and viewing the premises as before directed, shall and they are hereby empowered and directed to make a new order of maintenance or division of the banks or other works established under this section, and to alter, shut up or relay the water-courses in such manner as to them may seem most beneficial for the safety and improvement of the remaining meadow and meadows and just and equitable between the remaining parties concerned, and likewise alter the place of making and repairing any banks or works, whenever such alteration may become necessary by wash, breaches or otherwise, and in such manner that the meadow and meadows of the said applicant shall be relieved and discharged from any future obligation therefor; the said commissioners, or a majority of them, shall make a certificate of their proceedings and findings, which certificate shall be recorded in the road-book by the clerk of the court aforesaid, and after recording such certificate, the said owner or owners making said application are hereby empowered to fill up, improve or otherwise change the existing condition of his, her or its meadow and meadows, and the said certificate, together with the petition and orders, or a copy of said report, petition and orders, certified by the clerk of the county, shall be at all times considered as plenary evidence of the right of such owner and owners to fill up, improve or otherwise change the existing condition of such meadow and meadows, and their relief and discharge from any obligation under and by reason of any orders, certificate and certificates theretofore made.

2. This act shall take effect immediately and apply to all proceedings heretofore had and taken under section sixteen of the act aforesaid.

Approved March 1, 1904.

CHAPTER 10.

An Act to incorporate the borough of Paulsboro, in the county of Gloucester.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the township of Greenwich, in the county of Gloucester, hereinafter particularly described, are hereby constituted and declared to be a body corporate, in fact and in law, by the name of the borough of Paulsboro, and shall be governed by the general laws of this state relating to boroughs.

Corporate name.

2. The boundaries of said borough shall be as follows: Beginning at a point in the middle of Great Mantua creek opposite to the line between the townships of Greenwich and East Greenwich; thence northwardly, down the middle of said creek, to where the said creek empties into the Delaware river; thence westwardly, down said river, to a point opposite the property line between lands of Helen M. Vanneman and Andrew W. Mellon; thence southwardly, along the property line between the lands of said Vanneman on the east and said Mellon on the west, to high-water line, and continuing the same course a further distance of one thousand two hundred and forty-one and eighty one hundredths feet, to a wharf bolt in the middle of the road leading from Billingsport to Clonmell; thence eastwardly, along the middle of said public road, seven hundred feet, more or less, to a corner, to lands of Benjamin A. Stevenson and James Jenkins; thence southeastwardly, along the line between lands of Benjamin A. Stevenson, Edward S. Stevenson and Henry Stevenson on the west, and James Jenkins and Margareta L. Hoffman on the east, about one thousand one hundred and sixty feet, to the middle of the public road leading from Billingsport to Swedesboro; thence southwestwardly, along the middle of said road, two

Boundaries.

hundred and sixty-three and thirty one hundredths feet, to a wharf bolt, corner to land of Andrew W. Mellon; thence southwestwardly, by land of said Mellon on the west and Joseph P. Henry et als. on the east, one thousand two hundred and forty-three and seventy-nine one hundredths feet, to a corner in the Penn line; thence southwestwardly, along said Penn line by land of said Mellon on the west and W. J. Adamson et als. on the east, one thousand six hundred and sixty and fifteen one hundredths feet, to the centre line of the Pennsgrove branch of West Jersey and Seashore railroad; thence westwardly, along said centre line of said railroad, one thousand eight hundred and forty feet, more or less, to the middle of aforesaid Billingsport and Swedesboro road; thence, along the centre thereof, southwardly, about two thousand five hundred and thirty-five feet, to the middle of the road leading from Paulsboro to Gibbstown; thence eastwardly along the middle of said road from Paulsboro to Gibbstown, about three hundred and sixty-five feet, to the middle of the road leading from Berkley to Gibbstown; thence, along the middle of said road, eastwardly, to the line between the townships of Greenwich and East Greenwich; thence northeastwardly, along said line between said townships of Greenwich and East Greenwich, to the middle of Great Mantua creek aforesaid, and place of beginning.

3. This act shall take effect immediately.

Approved March 2, 1904.

CHAPTER II.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Wherever in this state any township, incorporated town or borough school district has heretofore been con-

solidated with an adjoining township, incorporated town or borough school district, by an election of the legal voters of said township, incorporated town or borough school districts, so that at the time of the passage of the act to which this act is a supplement the same formed one combined or consolidated school district, and the legal voters of said district have not, since said time, rejected a proposition to confirm or continue such consolidation at an election called for that purpose, and said district has been, since the passage of said act, maintained and governed as one consolidated school district, such district shall hereafter continue to exist as a single consolidated school district in the same manner as though the said act had not been passed, and in the same manner as though said consolidated school district had been erected by an election of the legal voters of said district held in pursuance of section one hundred and three of said act.

2. All acts and parts of acts inconsistent with this Repealer. act are hereby repealed; this act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 12.

An Act to incorporate the borough of Haddon Heights, in the county of Camden.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

1. The inhabitants of those portions of the townships of Haddon and Centre, in the county of Camden, contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of "The Borough of Haddon Heights," and shall be governed by the general laws of this state relating to boroughs.

Corporate
name.

2. The territorial limits of the said borough shall be as follows, to wit: Beginning at a point in the center

Boundaries.

LAWS, SESSION OF 1904.

line of the road known as the King's highway, which said point is also in an imaginary straight line drawn from the northeasterly corner of the Tile Yard road and said King's highway southeastwardly to the center of the road leading from Haddonfield to Clement's bridge, in the boundary line between the territory known as Haddon township and the territory known as Centre township; thence along the center line of said King's highway in a westerly direction, to the stream that marks the boundary line between the townships of Haddon and Centre, said stream being the south branch of Newton creek; thence up the center line of said stream in a southeasterly direction, the several courses thereof, to the lands of Benjamin A. Lippincott; thence in a southerly direction between the boundary lines of the lands of Benjamin A. Lippincott and William C. Hatcher, now deceased, to Little Timber creek; thence up the center of said Little Timber creek in an eastwardly direction, the several courses thereof, to the westerly line of the right of way of the Atlantic City railroad; thence in a southerly direction, along said westerly line of the right of way of the Atlantic City railroad to the center line of the road leading from Haddonfield to Clement's bridge; thence in a northeasterly direction, along the center line of the said road to the aforesaid boundary line between the territory known as Haddon township and the territory known as Centre township; thence in a northwestwardly direction and in a straight line to the place of beginning.

Notice of
election.

3. The first election of officers in and for said borough of Haddon Heights shall be held within thirty days after the passage of this act, and notice thereof shall be given by the clerk of the said township of Haddon, county of Camden aforesaid; said notice shall be published in a newspaper circulating in the territory hereinbefore described, for eight days prior to said election and shall also be posted for the same length of time in five of the most public places therein and the said election shall be held in the manner now prescribed for the election of borough officials.

4. This act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 13.

A Further Supplement to the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Where any township in this state has ceased or hereafter may cease to exist by reason of the creation of a borough or boroughs within its territorial limits, or because of becoming absorbed by some other township or municipality, the inhabitants of the borough or boroughs existing within the territorial limits of the township at the time of its termination, shall not be deprived of representation in the board of chosen freeholders, but the voters of the borough or boroughs remaining as aforesaid may elect some suitable person to said office in the same manner as now prescribed by law where townships and boroughs jointly elect a chosen freeholder.

When representation not lost.

2. In case of a vacancy occurring in said office by reason of failure to elect, resignation, death or otherwise, then it shall be lawful for the members of the borough council of all the boroughs within the limits of said territory to assemble in joint meeting at some convenient time and place within said territory fixed by the mayors of the said respective boroughs, or a majority of them, and proceed to fill said vacancy, for the unexpired term, by a majority vote of all the members of said borough councils; *provided*, the mayors or a majority of them of said boroughs shall have jointly, in writing, notified the clerk of each borough of the time and place agreed upon by them for the borough councils to assemble, which notice shall state the purpose of the meeting, and must be served upon said clerks at least fifteen days before the time fixed for said meeting of the borough councils.

Vacancies.

Proviso.

LAWS, SESSION OF 1904.

line of the road known as the King's highway, which said point is also in an imaginary straight line drawn from the northeasterly corner of the Tile Yard road and said King's highway southeastwardly to the center of the road leading from Haddonfield to Clement's bridge, in the boundary line between the territory known as Haddon township and the territory known as Centre township; thence along the center line of said King's highway in a westerly direction, to the stream that marks the boundary line between the townships of Haddon and Centre, said stream being the south branch of Newton creek; thence up the center line of said stream in a southeasterly direction, the several courses thereof, to the lands of Benjamin A. Lippincott; thence in a southerly direction between the boundary lines of the lands of Benjamin A. Lippincott and William C. Hatcher, now deceased, to Little Timber creek; thence up the center of said Little Timber creek in an eastwardly direction, the several courses thereof, to the westerly line of the right of way of the Atlantic City railroad; thence in a southerly direction, along said westerly line of the right of way of the Atlantic City railroad to the center line of the road leading from Haddonfield to Clement's bridge; thence in a northeasterly direction, along the center line of the said road to the aforesaid boundary line between the territory known as Haddon township and the territory known as Centre township; thence in a northwestwardly direction and in a straight line to the place of beginning.

Notice of
election.

3. The first election of officers in and for said borough of Haddon Heights shall be held within thirty days after the passage of this act, and notice thereof shall be given by the clerk of the said township of Haddon, county of Camden aforesaid; said notice shall be published in a newspaper circulating in the territory hereinbefore described, for eight days prior to said election and shall also be posted for the same length of time in five of the most public places therein and the said election shall be held in the manner now prescribed for the election of borough officials.

4. This act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 13.

A Further Supplement to the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Where any township in this state has ceased or hereafter may cease to exist by reason of the creation of a borough or boroughs within its territorial limits, or because of becoming absorbed by some other township or municipality, the inhabitants of the borough or boroughs existing within the territorial limits of the township at the time of its termination, shall not be deprived of representation in the board of chosen freeholders, but the voters of the borough or boroughs remaining as aforesaid may elect some suitable person to said office in the same manner as now prescribed by law where townships and boroughs jointly elect a chosen freeholder.

When representation not lost.

2. In case of a vacancy occurring in said office by reason of failure to elect, resignation, death or otherwise, then it shall be lawful for the members of the borough council of all the boroughs within the limits of said territory to assemble in joint meeting at some convenient time and place within said territory fixed by the mayors of the said respective boroughs, or a majority of them, and proceed to fill said vacancy, for the unexpired term, by a majority vote of all the members of said borough councils; *provided*, the mayors or a majority of them of said boroughs shall have jointly, in writing, notified the clerk of each borough of the time and place agreed upon by them for the borough councils to assemble, which notice shall state the purpose of the meeting, and must be served upon said clerks at least fifteen days before the time fixed for said meeting of the borough councils.

Vacancies.

Proviso.

Notification.

3. It shall be the duty of the clerk of each borough, when notified as aforesaid, to notify, in writing, each member of the council of his respective borough, at least eight days before the time fixed for said meeting, of the time, place and purpose of the meeting.

Exception.

4. This act shall not apply to boroughs entitled by reason of population to a separate chosen freeholder.

Repealer.

5. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 14.

A Supplement to an act entitled "An act relative to the compensation of prosecutors of the pleas in certain counties of this state," approved March sixth, one thousand nine hundred.

Preamble.

WHEREAS, The population of certain counties bordering on the Atlantic ocean is very largely increased during certain seasons of the year, thereby greatly increasing the criminal business of such counties and imposing upon the prosecutor of the pleas thereof much additional labor; therefore

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Salary of prosecutor.

1. Wherever the population of any county bordering on the Atlantic ocean in this state as ascertained by any state or federal census, is more than forty-five thousand and not more than fifty-eight thousand, the prosecutor of the pleas of such county shall receive an annual salary of three thousand dollars; such salary shall be payable in monthly installments in lieu of all fees and allowances, which fees shall be paid into the county treasury; *provided*, that this act shall not take effect in any county until the said prosecutor shall have filed in the office

Proviso.

of the clerk in said county his acceptance of the salary hereinbefore established and a waiver of all fees now fixed by law.

2. All acts and parts of acts inconsistent with this act Repealer. are hereby repealed, and this act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 15.

An Act to change, fix and define the portion of the southerly boundary line of the borough of Neptune City, in the county of Monmouth, east of the property of the New York and Long Branch railroad.

WHEREAS, The portion of the southerly boundary line of the borough of Neptune City, in the county of Monmouth, east of the property of the New York and Long Branch railroad (being also the northerly boundary line of the borough of Avon-by-the-Sea, in said county) as the same is now defined, begins at a large, gray stone on the north side of Duck creek (now called Sylvan lake), being the northeast corner of a tract now or formerly Edward Batchelor's land, known as "the Swanton Tract;" and extends thence westerly, along the northerly line of said Swanton tract and in line of James A. Bradley's land, the several courses thereof to a point at the intersection of the west line of the New York and Long Branch railroad; and

WHEREAS, In order that proper improvements may be made to the streets and roads bounding upon and adjacent to said creek (or lake) by the said adjoining boroughs, it is desirable that said portion of the southerly boundary line of said borough of Neptune City should be changed and extended to the center line of said creek (or lake); therefore,

LAWS, SESSION OF 1904.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

Southern
boundary of
Neptune City.

1. The portion of the southerly boundary line of the borough of Neptune City, in the county of Monmouth, east of the land of the New York and Long Branch railroad (being also the northerly boundary line of the borough of Avon-by-the-Sea, in said county) be and the same is hereby changed, and shall hereafter be fixed and defined to be as follows: Beginning at a point in the Atlantic ocean where Duck creek (now called Sylvan lake) empties therein; thence westerly, through and up the center or middle line of said creek (or lake), the several courses thereof to the end of the iron culvert at the westerly side of the lands of the New York and Long Branch railroad; the boundary line as hereby fixed and defined being particularly delineated upon a map thereof made by Niart Rogers, civil engineer, February fifth, one thousand nine hundred and four, from which map the foregoing description thereof is taken.

Repealer.

2. All acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 16.

A Further Supplement to an act entitled "An act for the punishment of crimes" [Revision of 1898].

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

Mutilating or
using flag for
advertising
purposes a
misdemeanor.

1. Any person who in any manner, for exhibition or display, places or causes to be placed, any inscription, design, device, symbol, name, advertisement, words, characters, marks or notice whatever upon any flag, standard, color or ensign of the United States or state flag of this state, or ensign evidently purporting to be either of said flags, standards, colors or ensigns; or who,

in any manner appends, annexes or affixes or causes to be appended, annexed or affixed to such flag, standard, color or ensign any inscription, design, device, symbol, name, advertisement, words, marks, notice or token whatever, or who displays, or exhibits, or causes to be displayed or exhibited any flag, standard, color or ensign of the United States or flag of this state; or flag, standard, color or ensign evidently purporting to be either of said flags, standards, colors or ensigns, upon which shall, in any manner be placed, attached, annexed or affixed any inscription, design, device, symbol, name, advertisement, words, marks, notice or token whatever, or who publicly mutilates, tramples upon or otherwise defaces or defiles any of said flags, standards, colors or ensigns, whether any of said flags, standards, colors or ensigns are public or private property, shall be deemed guilty of a misdemeanor.

2. The words flag, standard, color or ensign, as used in this act, shall include any flag, standard, color, ensign, or any picture or representation of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be a flag, standard, color or ensign of the United States of America, or state flag of this state, or a picture, or a representation of either thereof, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard or ensign of the United States of America or state flag of this state; but this act shall not apply to any act permitted by the statutes of the United States of America, or by the United States army and navy regulations, nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, or stationery for use in correspondence, on any of which shall be printed, painted or placed said flag, disconnected from any advertisement.

Flag, stand-
ard, etc.,
defined.

3. This act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 17.

A Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Committee
on semi-
centennial
celebration.

Appropriation.

Bond issue.

1. The city council of any city of this state which has adopted, or which may hereafter adopt, the provisions of the act of which this act is a supplement, shall, whenever the mayor of such city may have appointed, or shall hereafter appoint, with the consent and approval of city council, a committee or board of directors to manage or have charge of any semi-centennial celebration of the incorporation of such city, have power to appropriate any sum not exceeding thirty thousand dollars to pay the expenses of such celebration, and to raise the sum so appropriated by issuing temporary certificates or bonds of such city to run for a period not exceeding five years, and to bear interest at a rate not exceeding five per centum per annum; such certificates or bonds shall be issued in the manner provided by the act to which this act is a supplement for the issuing of bonds in such city; the proceeds of such bonds or certificates shall be paid out by the city treasurer upon warrant of the comptroller, on approval by the finance committee of city council of such city.

2. This act shall take effect immediately.

Approved March 2, 1904.

CHAPTER 18.

An Act to establish the office of register of deeds and mortgages in certain counties of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In every county of this state having a population of over ninety-nine thousand there shall be a register of deeds and mortgages in and for such county, who shall be elected by the people of the county, and shall hold his office for five years; he shall be commissioned by the governor of this state, and his commission shall be issued and bear date on the Tuesday next after the annual election at which he may be elected.

Register of
deeds; election
and commis-
sion.

2. The first election for such register of deeds and mortgages in any county wherein a register of deeds and mortgages has not been heretofore elected shall be held at the next annual election for members of the general assembly, at which a clerk of the court of common pleas of such county shall be elected, and the same notice of such election shall be given as is now by law required to be given of the election of the clerk of such county, and from time to time thereafter a register shall be elected in such county in the same manner as the clerk of said county is by law now elected.

When elected.

3. It shall be the duty of the said register of deeds and mortgages to record all deeds, mortgages, assignments of mortgages, letters of attorney to convey lands and all instruments of writing relating to the title to real estate, which now or hereafter are or may be required or permitted by law to be recorded; and to do and perform all the duties now by law required of the clerk of the court of common pleas of such county pertaining to the recording, registering and indexing of all such deeds, mortgages, assignments of mortgages, letters of attorney to convey lands and instruments of writing, re-

Duties.

lating to the title to real estate in and for the county in which he is elected.

Oath and fees.

4. The said register of deeds and mortgages shall take and subscribe the same oaths, give the same bonds, enjoy the same rights and privileges, receive the same fees and be subject to the same penalties as now are provided by law in the case of the clerk of the court of common pleas of such county, with reference to the discharge of the duties herein devolved upon the said register of deeds and mortgages.

Laws applicable.

5. All the laws of this state now in force in the case of the clerk of the common pleas, in and for such county, shall apply to the said register of deeds and mortgages so far forth as the same may be applicable to the business and duties of his said office of register of deeds and mortgages, and the record and transcripts therefrom shall have the same force and effect as they now have when made by the clerk of the court of common pleas of such county.

Records, etc., given into custody of register.

6. All the records of deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and other instruments of writing relating to the title to real estate, books, papers, indexes and other things pertaining to the business and duties herein devolved upon the said register of deeds and mortgages, which may be in the custody of the clerk of the court of common pleas of any such county, at the close of his present term of office, shall be by him at that time placed in the custody of the said register of deeds and mortgages, who shall sign a receipt therefor according to law.

Suitable accommodations provided.

7. It shall be the duty of the board of chosen freeholders of such county, without unnecessary delay, to provide a fit and suitable fire-proof place, separate and distinct from the office of the clerk of the court of common pleas of such county, in which the said register of deeds and mortgages may keep the records and papers of his office, and to furnish the same with proper book-cases and furniture.

Books and stationery.

8. All the necessary books and stationery for the business of said office shall be furnished by such county, and shall be the property of the county and be public records, to which all persons shall have access at all reasonable hours.

9. In case a vacancy shall occur in said office, it shall be filled in the same manner as is now provided for by law in the case of the clerk of such county. Vacancy.

Approved March 7, 1904.

CHAPTER 19.

An Act to amend an act entitled "An act empowering guardians of minors, lunatics, insane and feeble-minded persons to erect buildings on the lands of such persons in place of buildings destroyed or partly destroyed thereon by fire," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of an act entitled "An act empowering guardians of minors, lunatics, insane and feeble-minded persons to erect buildings on the lands of such persons in place of buildings destroyed or partly destroyed thereon by fire," approved April eighth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

Section amended.

2. The chancellor may direct such guardian to enter into a contract or contracts for the making of such improvement, and shall, in his discretion, direct such guardian to pay for such improvement out of moneys in his possession out of the proceeds of sale of securities in his possession, or by raising money for that purpose by bond and mortgage on the property to be improved and the improvements to be placed thereon or on other real estate of such minor or minors, lunatics, insane or feeble-minded person or persons, or part of the cost of such improvement may be paid for in one of the foregoing ways and part in another.

Making im-
provements.

2. This act shall take effect immediately.

Approved March 7, 1904.

CHAPTER 20.

An Act relative to the erection of a monument to the memory of General Enoch Poor, a soldier of the revolution.

Preamble.

WHEREAS, The New Jersey Society of the Sons of the American Revolution, a patriotic corporation organized under the laws of this state, has appropriated the sum of five hundred dollars for the purpose of erecting a monument to the memory of General Enoch Poor, who died in New Jersey during the revolutionary war while in the discharge of his duty, and was buried at Hackensack, in the county of Bergen in this state; and

WHEREAS, The legislature of the state of New Hampshire has, by an act passed at the last session of that body, also appropriated the sum of five hundred dollars for the same purpose; and

WHEREAS, The municipal authorities of Hackensack have granted to the said society a plot of ground within the bounds of that municipality upon which to erect said monument; and

WHEREAS, The said society has taken measures to raise other funds for the said purpose, but needs a further amount fully to carry out their plans for said monument; now therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Amount.

1. The sum of one thousand dollars shall be paid, as hereinafter provided, to the treasurer of the said The New Jersey Society of the Sons of the American Revolution, in trust nevertheless, and to and for the purpose of erecting said monument.

Material and plot.

2. Said monument shall be of granite or marble, of such character and design as the said society shall select,

and shall be erected upon the said plot of ground granted by the authorities of Hackensack as aforesaid, and nowhere else. -

3. Whenever and so soon as the managers of said society shall report to the comptroller of the state by the certificate, under oath, of the treasurer of said society, that the sum of one thousand five hundred dollars has been paid into the treasury of the said society, in cash, for the purpose of erecting said monument, then the said comptroller shall issue his warrant to the treasurer of the state for the payment of the said sum of one thousand dollars, mentioned in the first clause of this act, to be applied by said society for the purpose of erecting said monument and for no other purpose whatsoever, and upon receiving said warrant the said treasurer of this state shall pay the said sum of one thousand dollars to the treasurer of said society upon his receipt duly authenticated.

Payment,
when made.

4. Whenever and so soon as the said monument shall be erected and unveiled and said plot of ground properly graded, the said society shall make full report to the governor of the manner in which they have expended the money so appropriated by the legislature, for the purpose aforesaid, and the said report shall be transmitted by the governor to the legislature on the first day of its session next after the receipt of said report.

Report to
governor.

5. Said monument shall, at all proper and reasonable times, be open, so that the same may be viewed by all persons, under proper and reasonable rules and regulations, enacted by ordinance or otherwise, by the municipal authorities of Hackensack, which shall be consistent with the laws of this state and of the United States.

Monument
to be public.

6. No moneys shall be paid by the state treasurer for the purpose aforesaid until the same shall have been appropriated in the annual or supplemental appropriation bill.

Appropriation.

7. This act shall take effect immediately.

Approved March 7, 1904.

CHAPTER 21.

An Act in relation to the execution by married women
of powers of sale of real estate.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

1. Any married woman having power to sell, or having title to any lands or real estate, as executrix, administratrix, trustee or guardian, either alone or in conjunction with any other person or persons, under any will or other instrument or appointment whatsoever, may sign, seal, execute, acknowledge and deliver all deeds and conveyances of such lands or real estate without joining her husband therein, in the same manner as if she were a feme sole, and such deed shall vest in the purchaser thereof as good and valid a title to the lands, tenements and real estate so conveyed as if such executrix, administratrix, trustee or guardian were unmarried.

2. This act shall take effect immediately.

Approved March 7, 1904.

Conveyance
by married
woman as
executrix, etc.

CHAPTER 22.

An Act to amend an act entitled "An act to authorize boards of chosen freeholders of the respective counties of this state to borrow money in anticipation of taxes to be raised to meet any deficit arising by reason of an erroneous or illegal apportionment of state and county taxes," approved March fifth, one thousand nine hundred.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

I. Section one of an act entitled "An act to authorize boards of chosen freeholders of the respective counties

Section
amended.

of this state to borrow money in anticipation of taxes to be raised to meet any deficit arising by reason of an erroneous or illegal apportionment of state and county taxes," approved March fifth, one thousand nine hundred, be and the same is hereby amended so as to read as follows:

1. In any case where there now exists any deficit in the appropriations of any county of this state, by reason of any erroneous or illegal apportionment or assessment of taxes for state and county purposes, the board of chosen freeholders of such county are hereby authorized to borrow, by means of temporary loans, sufficient money to meet such deficit; *provided, however,* that the whole sum of money so to be raised under this act shall not exceed the amount of such deficit, and the amount thus raised shall be provided for and put in the next tax levy made thereafter.

Meeting
erroneous
deficit.

Proviso.

2. This act shall take effect immediately.

Approved March 7, 1904.

CHAPTER 23.

An Act to amend an act entitled "An act to establish and promote state traveling libraries," approved April twentieth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The management of traveling libraries, which, by the above-mentioned act, is lodged in the board of commissioners of the state library, is hereby transferred to the public library commission, who hereafter shall have the operation, direction and control of the traveling libraries in accordance with the provisions of said act, and shall possess all the powers and be subject to all the duties which, by said act, were conferred on the board of commissioners of the state library.

Management
transferred to
public library
commission.

LAWS, SESSION OF 1904.

Appropriations.

2. All appropriations which shall hereafter be made by the state for the uses of the traveling libraries shall be paid over to and be disbursed by the public library commission.

Equipment.

3. All the books, cases and other equipment, the property of the state of New Jersey, which has been heretofore used for the purposes herein expressed, shall hereafter be at the disposition and under the control of the said public library commission.

4. This act shall take effect immediately.

Approved March 7, 1904.

CHAPTER 24.

Supplement to an act entitled "An act concerning building and loan associations," approved April eighth, one thousand nine hundred and three.

• BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Movement for dissolution.

1. Whenever in the judgment of the board of directors or managers of any building and loan association organized under the laws of this state, it shall be deemed advisable and for the interest of the shareholders of such association, that the same shall be dissolved, and its business liquidated, said board of directors or managers, after the adoption of a resolution to that effect, shall cause notice of the adoption of said resolution, to be mailed to each shareholder, whose post-office address appears upon the books of such association, and at the same time, and in and by said resolution, said board of directors or managers shall fix a time and place for a meeting of said shareholders, to take action upon said resolution, which meeting may, on the day so appointed, be adjourned from time to time, and if at any such meeting two-thirds in interest of the shareholders present shall vote that a dissolution and liquidation of said association shall take place, then a copy of the said resolution to

dissolve and liquidate, shall be filed by the secretary, treasurer, president or other officer of such association, in the office of the commissioner of banking and insurance of this state, who, upon being satisfied that said notice has been given and said resolution adopted, shall issue a certificate to the trustees hereinafter provided for, that said resolution has been filed, and thereupon said association shall be dissolved, and its business liquidated by said trustees, as hereinafter set forth.

Notice to com-missioner.

2. Upon the adoption of said resolution by said shareholders at said shareholders' meeting, or at any adjourned meeting, said shareholders shall appoint three or more trustees to wind up and liquidate the affairs of said association, and the trustees so appointed, shall have full power to demand, sue for, collect and receive, and take into their possession, all the goods, chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes, bonds and mortgages, and any other property of any and every description, belonging to said association, and to sell, convey or assign all the said real or personal estate, and to compromise and settle, with the borrowers of said association, and do any and all other things or acts that they shall think necessary, for winding up the affairs of said association, and after paying all allowances, expenses, costs and satisfying all debts presented to said trustees, shall divide the moneys and other property among the shareholders, as far as such money and property shall enable them, proportionately, and according to their respective claims, interests or demands; said trustees shall, before entering upon their duties, each give a bond to said association, in such sum as said shareholders shall fix, which bond shall be conditioned for the faithful performance of their duties as such trustees and be filed in the office of said commissioner of banking and insurance, and said trustees shall further have power to meet and act under the by-laws of said association to the same extent as the said board of directors or managers of any said building and loan association could, and under regulations to be made by a majority of said trustees; *provided, however,* that nothing herein contained shall divest the said commissioner of

Certificate of dissolution.

Trustees ap-pointed to wind up association; powers, etc.

Bond.

Proviso.

banking and insurance of the jurisdiction and supervision vested in him over building and loan associations.

May sue or
be sued.

3. Whenever said trustees shall think it necessary and proper for the benefit of said shareholders, they may bring such action, or commence such proceeding, as they think necessary and proper, in the name of said association, and said trustees shall be suable by the same name, for the debts owing by said association, and shall be responsible for such debts to the amount of money and property of the association which shall come to their hands or possession as such trustees, and liable for the payment of said debts, and any action or proceeding now pending or to be hereafter begun against said association shall not abate, but no judgment, order or decree shall be entered therein, except upon notice to said trustees; everything by this act required or done by said trustees, shall be good and effectual, if performed by a majority of them, and the court of chancery, upon the application of the said commissioner of banking and insurance, may remove any or all of said trustees and appoint another or others in his or their place, and in case of any vacancy may fill such vacancy; said trustees shall give public notice to the creditors of said association to bring in their debts, demands and claims against said association, under oath, within three months from the date of such notice, which notice shall be set up in five of the most public places in the county, in which said association has its principal office, and also by advertising the same at least once in each week, for a like time, in at least two newspapers published in the county, in which said principal office of said association shall be; after the expiration of the time in such notice limited, the creditors who have not brought in their claims within the time in such notice mentioned, shall be barred from any action therefor, against the said trustees, or said association, and any creditors who shall have neglected to bring his debt, demand or claim, within the time so limited, shall be forever barred from his, their or its action therefor, against said trustees, or said association; if such trustees, to whom any such claim is presented, dispute the same, or any part thereof, and shall give notice in writing to the creditor, claimant, his attorney

Majority
action;
removal by
court.

Notice to
creditors.

When claim
disputed.

or agent, that such debt, claim or claims, or any part thereof is disputed, such creditor shall bring suit therefor, within thirty days from the time of giving such notice; and in any suit not commenced before said time said notice shall bar any recovery of the said debt, claim or demand, or part, so disputed, as if said debt, claim or demand had not been presented, within the time so limited by said notice.

4. The court of chancery shall allow a reasonable compensation to said trustees for the services, and costs, and expenses, of the administration of said trust.

Trustees' compensation.

5. This act shall take effect immediately, and shall apply to the appointment of trustees heretofore appointed by any building and loan association, organized under the laws of this state; *provided*, said notice shall have been given and said resolution or resolutions adopted as aforesaid.

Application.

Proviso.

Approved March 7, 1904.

CHAPTER 25.

A Supplement to an act entitled "An act to provide for the establishment of an agricultural experiment station," approved March tenth, one thousand eight hundred and eighty.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The board of managers of the New Jersey agricultural experiment station be authorized each year to incur expenses not exceeding fifteen hundred dollars for printing the bulletins issued from said station containing analyses of fertilizers, fodders, feeds and soils, the results of investigations in feeding animals, in testing the adaptability of soils and manures for the various cereal, fruit and vegetable crops, and such other results and investigations as may be deemed by the board of managers to be of immediate usefulness to the citizens of the state;

Allowance to experiment station.

LAWS, SESSION OF 1904.

Proviso. expenses not exceeding three thousand dollars for carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs;" and expenses not exceeding twenty thousand dollars in otherwise conducting and managing the said station, which expenses shall upon warrant of the comptroller be paid out of the state treasury; *provided*, that the same shall first be certified by the president and secretary of the board of managers; *and provided further*, that the legislature shall annually make appropriation for such purposes.

Repealer. 2. All acts and parts of acts inconsistent herewith be and hereby are repealed, and that this act shall take effect immediately.

Approved March 7, 1904.

CHAPTER 26.

An Act relating to the powers and duties of guardians.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Guardian's action as grantee.

1. In case any guardian has heretofore or shall hereafter become the grantee for or on account of his ward, of any lands, tenements or hereditaments, or undivided interest therein, in the transfer or distribution of assets held by any executor or trustee, such lands, tenements or hereditaments, or undivided interest therein, shall be assets in such guardian's hands, and may be sold and conveyed by him without any order of court, and he shall receive, give security, be accountable for and pay over the proceeds of such sale or sales the same as the other assets in his hands.

2. Any sale and conveyance heretofore made by any guardian under such circumstances, shall be deemed as valid and effectual in all respects as if made under an order of court.

3. This act shall take effect immediately.

Approved March 7, 1904.

Validity of sale.

CHAPTER 27.

A Supplement to an act entitled "A general act relating to boroughs" [Revision 1897.]

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In any borough not entitled by the act to which this is a supplement to a freeholder, formed in part from a township and in part from a city or town the legal voters of such borough shall be entitled to vote within such borough for the chosen freeholder of the township out of which said borough has been in part formed.

Borough representation in board of freeholders.

2. This act shall take effect immediately.

Approved March 7, 1904.

CHAPTER 28.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section seventy-eight of the act to which this is an amendment is hereby amended so as to read as follows:

Section amended.

78. If the board of education in any school district created under the provisions of this Article shall deem it for the best interests of the schools that the number

Number of trustees may be reduced.

of members constituting said board shall be reduced, the district clerk, when directed by said board, shall insert in the call for the next annual school meeting a notice that it will be determined at said meeting whether the number of members of the board of education shall be reduced to five or three. If it shall be determined at said meeting to reduce the number of members of said board to either five or three, the members of said board then in office shall continue in office for the terms for which they were severally elected, and their successors shall be elected in the manner following:

If number to
be five.

I. If it shall be determined at said meeting that the number of members of the board of education shall be reduced to five, no election for members of said board shall be held at said meeting. At the next annual school meeting two members of said board shall be elected for the term of three years, and at the second annual school meeting held after the meeting at which it was determined to reduce the number of members of the board of education to five, two members of said board shall be elected for the term of three years and one for the term of one year, and thereafter there shall be elected at each annual school meeting a member or members of said board, in the place of those whose terms shall have expired, who shall hold office for the term of three years.

If number to
be three.

II. If it shall be determined at said meeting that the number of members of the board of education shall be reduced to three, no election for members of said board shall be held until the second annual school meeting held after the meeting at which it was determined to reduce the number of members of the board to three. At such second annual school meeting there shall be elected three members of said board to serve for one, two and three years respectively, and thereafter one member of said board shall be elected at each annual school meeting, in the place of the member whose term shall have expired, who shall hold office for the term of three years.

Determining
number of
trustees in
new township,
etc.

Whenever a new township, incorporated town or borough school district shall be created, there shall be held, at the ensuing annual school meeting, an election for members of the board of education. Before pro-

ceeding to ballot for such members of the board of education the legal voters present shall determine whether the board of education shall consist of three, five or nine members. If it shall be determined that the board shall consist of three members, then said legal voters shall elect one member to serve for the term of one year, one for the term of two years, and one for the term of three years. If it shall be determined that the said board shall consist of five members, the said legal voters shall elect one member to serve for the term of one year, two for the term of two years, and two for the term of three years. If it shall be determined that said board shall consist of nine members, said legal voters shall elect three members to serve for the term of one year, three for the term of two years, and three for the term of three years. Annually thereafter there shall be elected a person or persons for the term of three years in the place of the member or members whose terms shall have expired.

2. This act shall take effect immediately.

Approved March 14, 1904.

CHAPTER 29.

A Supplement to an act entitled "An act relative to the supreme and circuit courts" [Revision of 1900], approved March twenty-third, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section thirty-nine of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

39. There shall be appointed by the governor, by and with the advice and consent of the senate, four judges, each of whom shall be empowered to hold, in the absence of a justice of the supreme court, the circuit courts

Section
amended.

Four circuit
court judges.

LAWS, SESSION OF 1904.

Proviso.

in the respective counties; *provided*, that the circuit court judges now in office shall continue in office until the expiration of their respective terms; and in like manner there shall be appointed successors to said judges respectively, when said offices, or any of them, shall become vacant by death, expiration of the official term of the incumbents, or otherwise; each of said judges shall hold his office for the term of seven years from the date of his commission, and shall receive an annual salary of seven thousand five hundred dollars, payable monthly, in equal installments, by the treasurer of the state.

Term and salary.

Repealer.

2. This act shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 15, 1904.

CHAPTER 30.

An Act to amend an act entitled "An act for the incorporation of cities, and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

1. Section twenty-three of an act entitled "An act for the incorporation of cities, and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety-nine, be and the same is hereby amended to read as follows:

Salaries fixed by ordinance.

23. The salaries and compensation to be paid to the mayor, councilmen, city clerk, receiver of taxes, the city treasurer, the city attorney, the recorder, the assessors, the chief of police, the chief of the fire department, the health inspector, the city physician, the street commissioner, the overseer of the poor, the commis-

sioners of assessments, and all other public officers, excepting the members of the police department and of the fire department, shall be fixed by ordinance, and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of them by this act, or by any ordinance or resolution of the city council, shall, immediately after the receipt thereof, be paid by such officer to the city treasurer for the use of the city, unless herein otherwise specially provided.

All fees paid
into city
treasury.

Approved March 16, 1904.

CHAPTER 31.

An Act regulating the terms of office of the city counsel, city treasurer and city surveyor or engineer in certain cities of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In every city in this state in which the terms of the city counsel, city treasurer and city surveyor or engineer, are now limited to one year by the respective charters thereof, the said city counsel, city treasurer and city surveyor or engineer shall hereafter be appointed and hold their respective offices for the term of three years.

Term of office.

2. All acts and parts of acts, general or special, inconsistent herewith, be, and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 16, 1904.

CHAPTER 32.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

County
detectives.

1. The prosecutors of the pleas in the several counties, having a population of more than one hundred and fifty thousand and not more than three hundred thousand inhabitants, may appoint suitable persons, not exceeding two, in any county, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law; such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in any county of this state, and shall each receive an annual salary of eighteen hundred dollars to be paid by the county collector in equal monthly installments out of the funds of the county.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; this act shall take effect immediately.

Approved March 16, 1904.

Powers and
salary.

CHAPTER 33.

An Act authorizing cities of the first class to lease or hire boats for the purpose of removal of ice from channels of rivers upon which they are situated, and waters adjacent thereto, in order that such rivers and adjacent waters may at all times be kept open for navigation.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful in any city of the first class in this state, for the board having charge and control of the finances thereof, to raise by tax, appropriate and set aside, annually, with the consent of the mayor, a sum of money not exceeding twenty thousand dollars in any one year, for the purpose of leasing or hiring a boat or boats to be used by said city in removing the ice from the channel of the river upon which such city is situated, and the waters adjacent thereto; such boat or boats to be of such strength and durability as to be able to remove the ice from the channels of said waters, so that at all times the same may be kept open to the public for the navigation thereof.

City ice-boats.

2. This act shall take effect immediately.

Approved March 16, 1904.

CHAPTER 34.

An Act to annex a portion of the township of Haddon, in the county of Camden, to the Borough of Haddonfield.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. All that portion of the township of Haddon, in the county of Camden, described as follows: Beginning

Boundaries
of portion of
township of
Haddon
annexed to
Haddonfield.

LAWS, SESSION OF 1904.

at a point in the northerly line of Cooper's creek at a point opposite the line dividing lands formerly of William Mann and John Hopkins, said point being the most northerly corner of the borough of Haddonfield; thence down said Cooper's creek following the said northerly line of said creek, the various courses and distances thereof, to a point opposite the dividing line between lands formerly of John E. Hopkins and Joseph C. Stoy; thence along the boundary line dividing land of said Stoy, and Hopkins, in a southwesterly direction, to the southwesterly line of the Stoy's Landing road; thence crossing lands late of William Goldy and Samuel R. Stoy, now of Jacob Heitz, southwestwardly to a corner of lands formerly of J. Stokes Coles, now of John A. Macaulay, and land formerly of Jehu Wood, now of Samuel Wood, said point being in the line of land late of the said Samuel R. Stoy, now of Jacob Heitz; thence along the boundary line between said land formerly of J. Stokes Coles, now of John A. Macaulay, and land late of Jehu Wood, now of Samuel Wood, southwestwardly to the boundary line between land of said Samuel Wood and other land of John A. Macaulay; thence along the lands of Macaulay and Wood, southerly to the southerly line of Maple avenue or the road leading from Haddonfield and Camden turnpike to Stoy's Landing road; thence along said southerly line of said road, southwestwardly to the easterly line of land occupied as the right of way of the Pennsylvania railroad system, leading from Delair to Haddonfield; thence along said easterly line of said right of way and Wood's line, and continuing the same course, southwardly, to the boundary line of lands late of Samuel M. Reeves and John E. Redman, now known as the West Haddonfield tract; thence along said boundary line of said Redman lands, and Reeves lands and lands of John Stoy, southwestwardly to the stream forming the head waters of Newton creek; thence up said stream in a southerly direction, the various courses and distances thereof, to a point corner to lands late of Isaac Ellis Hinchman, now of J. Clarence Hinchman, and lands formerly of William C. Hinchman, now of Charles C. Hinchman; thence along the boundary line between said land of J. Clarence

Hinchman and Charles C. Hinchman, westwardly, to a point (which point is opposite the westerly line of lands set off to William C. Hinchman, junior, in the partition of the estate of Joseph C. Hinchman, which said line starts in the Tile Yard road, seventy-nine links northwestwardly from the middle of the road leading from Haddonfield to Mount Ephraim, and runs north eight degrees and twenty minutes east); thence south eight degrees and twenty minutes west, running through lands of Charles C. Hinchman, and along the above described line, being the boundary line between lands of William C. Hinchman, junior, and lands late of Isaac Ellis Hinchman, to a point in the northerly line of the Tile Yard road; thence along the same eastwardly to a point, which is the northeasterly corner of the said Tile Yard road and the said road leading from Haddonfield to Mount Ephraim, known as the King's Highway; thence in a southeastwardly direction, crossing said road and in a straight line to a point in the center of the road leading from Haddonfield to Clement's bridge, and in the boundary line between the territory known as Haddon township, and the territory known as Centre township; thence along the boundary line between said townships northeastwardly to the easterly line of Cooper's creek aforesaid; thence down said Cooper's creek, the various courses and distances thereof, to the line between the township of Haddon and the borough of Haddonfield; thence following the various boundaries of the present borough of Haddonfield, as described in an act entitled "An act to incorporate the borough of Haddonfield," approved March twenty-fourth, one thousand eight hundred and seventy-five, to the place of beginning, be and the same is annexed to the borough of Haddonfield, in said county of Camden, so that the same shall be hereafter a part of and within the territorial limits of the said borough of Haddonfield.

2. This act shall take effect immediately.

Approved March 16, 1904.

CHAPTER 35.

An Act to amend an act entitled "An act for the maintenance of bastard children" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Section ten of the act to which this act is an amendment is hereby amended so as to read as follows:

10. Upon such bond being executed to the satisfaction of said magistrate, he shall discharge such person from arrest; but if he refuses or neglects to execute such bond, or to pay the costs and charges so certified, he shall be committed by such magistrate to the "penitentiary or" common jail of the county, there to remain until he shall pay such costs and charges and execute such bond, or until discharged according to law.

i. This act shall take effect immediately.

Approved March 16, 1904.

CHAPTER 36.

An Act to enable boards of chosen freeholders to improve and maintain public roads abutting upon county property.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Where public roads pass through or abut upon lands belonging to the county, it shall be lawful for the board of chosen freeholders of said county to ap-

propriate moneys to repair, improve and maintain that portion of the public road passing through and abutting as aforesaid.

2. This act shall take effect immediately.

Approved March 16, 1904.

CHAPTER 37.

A Supplement to an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In all towns formed or established under the act to which this act is a supplement, or governed under the provisions thereof, the council shall have power to acquire, maintain and make available to the public, parks and open places for public resort and recreation, and shall have power to locate within the limits of said town such public parks and places, and for such purpose shall have power to take in fee, or otherwise, by purchase, gift or devise, lands and rights in land within said town; and may lay out, embellish and maintain the same, and pass ordinances providing for the proper and convenient use thereof by the public.

Places for recreation.

2. The council shall have power to issue bonds of such town for the purpose of acquiring lands for such public park or parks, and for laying out, constructing and embellishing the same; such bonds shall be designated as "park bonds," shall be of such denomination as the council may determine, and shall bear interest at a rate not to exceed five per centum per annum; the council shall also have power to assess and raise each year a sum of money for the care and maintenance of such park or parks, said amount to be assessed and collected at the same time and in the same manner as other taxes are assessed and collected.

Park bonds.

Park com-
mission.

3. In any town as aforesaid, it shall be lawful for the council, in its discretion, to provide for and establish, by ordinance, a board of park commissioners, which said board, when so established, is hereby vested with full power and authority to lay out, construct and embellish such park or parks after the lands therefor shall have been acquired by the council as above provided, and to adopt proper rules and regulations for the use thereof by the public, and to provide for the care and maintenance of the same; the said board, when established, shall have the power, exclusive of the council, to expend the moneys raised for park purposes, other than for the acquirement of the land, either from the issue and sale of bonds or by taxation, and all moneys so raised for the purposes aforesaid, except as aforesaid, shall be paid out by the town treasurer upon the warrant of the said board of park commissioners, signed by its president and attested by its secretary, and not otherwise; the said board shall determine what sums may be necessary, in the first instance for the laying out, construction and embellishment of such park or parks, and thereafter, annually, for the care and maintenance of the same, and shall recommend to council, in writing, the amount so to be raised; in all towns where such board of park commissioners shall have been established as aforesaid the council shall be without power to raise any money for park purposes, either by issue and sale of bonds or by taxation, except upon the recommendation of said board; the sum so raised by the council shall not in any case exceed the sum recommended by the board, but the council shall not be obliged to raise the entire amount so recommended, but may raise a less amount.

Council's
function.

Commission;
how composed.

4. Such board of park commissioners to be created in pursuance of the foregoing section shall be composed of three members of the council and four freeholders residing in the town not members of the council, all to be appointed by the council upon the nomination of the councilman-at-large; the three members from the council shall hold office for one year, two freeholders shall hold office for one year and two shall hold office for two years, and no more than two of said freeholders

shall be appointed from any one ward; the members of any such board of park commissioners shall serve without compensation, and shall select annually from among their own members a president and secretary of the board.

5. This act shall be deemed a public act and shall take effect immediately; *provided, however*, that this act shall not repeal or affect any other legislation or proceedings for park purposes and for maintaining such parks, and this act is hereby declared to be additional legislation for such purposes.

Proviso.

Approved March 16, 1904.

CHAPTER 38.

An Act validating certain sales of lands, tenements, hereditaments or real estate made under an execution issued out of any court of this state, where more than six years have elapsed since the recovery of the judgment.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. No sale of any lands, tenements, hereditaments or real estate made under an execution issued out of any court of this state where more than six years have elapsed since the recovery of a judgment, shall be invalidated by reason of any omission to entitle the notice of issuing execution and order thereon required by law, in the proper court, or by reason of any other irregularity or default in such notice or order; but the purchaser of such lands, tenements, hereditaments or real estate having paid the price thereof, and having received his or her deed therefor, and his or her heirs or assigns shall be deemed to have as good and complete title thereto as if such notice or order had been in all particulars complied with.

**Validating
certain sales
ordered by
court, where
irregularity
occurred.**

2. This act shall take effect immediately.

Approved March 16, 1904.

CHAPTER 39.

A Supplement to an act entitled "An act to enable boards having control of the water supply in the cities of this state to construct reservoirs for the storage of water," aproved February twenty-fifth, one thousand eight hundred and ninety-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

Ascertain total cost.

Issue permanent bonds to take up temporary indebtedness.

Section amended.

1. Section four of the above-recited act is hereby amended so that the same shall read as follows:
 4. When such reservoir or reservoirs so constructed as aforesaid shall have been fully completed, it shall be the duty of the board or body having charge of the construction of the same, and the control of the water supply in such city, to make and file with the clerk of such city a statement of the entire cost and expense of construction, including the cost of the lands acquired, and all other expenses, and the said city shall thereupon issue permanent bonds, negotiable in form, to run for a period of not less than twenty nor more than fifty years, sufficient in amount to pay the entire expense connected with the construction of the said reservoir or reservoirs, and to take up and redeem the temporary loan bonds or certificates from time to time issued for the purpose of raising the money necessary to carry on such work; such bonds shall bear interest at a rate not exceeding five per centum per annum, and shall be of such form as such common council or other governing body or board having control of the finances may determine; the interest thereon shall be paid semi-annually, and they shall not be disposed of at less than par; the proceeds thereof shall be used exclusively for the purposes hereinbefore set forth.

2. Section five of the above-recited act, is, also, hereby amended so that the the same shall read as follows:

5. For the purpose of providing a fund to pay the interest on said bonds while outstanding, and the principal when due, there shall be set apart from the net revenue received from water rents and water rates in the said city not otherwise pledged, such sum as shall be sufficient to pay the interest as it falls due and the principal of the said bonds at maturity; *provided, however,* that if it shall be found that the receipts thus pledged are insufficient to furnish a fund from which to pay the annual interest on the said bonds and to provide a sinking fund of not less than one per centum of the principal of the said bonds per annum, then it shall be the duty of the common council or other governing body or board having control of the finances of such city to raise a sum sufficient for this purpose in the annual tax levy of such city, and to apply the sum raised for interest to the payment of the annual interest on the said bonds, and to pay over the sum raised as a sinking fund to the sinking fund commissioners of such city for the redemption of said bonds when due.

Meet principal
and interest.

Proviso.

3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 16, 1904.

CHAPTER 40.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Section seventy-six of the above-recited act is hereby amended so that the same shall read as follows:

Section
amended.

Statement of
money needed
furnished
board of
estimate.

Appropriation,
how made.

May borrow
on "school
bonds."

Sinking fund.

76. Whenever a city board of education shall decide that it is necessary to raise money for the purchase of lands for school purposes, or for erecting, enlarging repairing or furnishing a school-house or school-houses, it shall prepare and deliver to each member of the board of school estimate of such school district a statement of the amount of money estimated to be necessary for such purpose or purposes; said board of school estimate shall fix and determine the amount necessary for such purpose or purposes, and shall make two certificates of such amount, one of which certificates shall be delivered to said board of education, and the other to the common council, board of finance or other body in the city having the power to make appropriations of money raised by tax in such city; said common council, board of finance or other body may appropriate such sum or sums for such purpose or purposes in the same manner as other appropriations are made by it, and said sum or sums shall be raised, assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in such city are raised, assessed, levied and collected; or said common council, board of finance or other body may appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the corporate name of such city; bonds so issued shall be designated "school bonds;" may be registered or coupon or both, of such denominations as the common council, board of finance or other board may determine, and shall be made payable in not more than fifty years from the date thereof; they shall be sold at public or private sale and not for less than par and accrued interest, and such city shall in its annual tax levy raise money sufficient to pay the interest on said bonds, together with at least one per centum per annum of the principal thereof, to provide a sinking fund for the retirement of said bonds at maturity; or in lieu of providing for a sinking fund for the retirement of said bonds at maturity, the bonds may be so issued that a stated equitable amount of them (in value), having regard to

other school bonds already issued, shall become payable in each year beginning not more than ten years from date of the earliest issue and ending in not less than forty years from such date, and in such case there shall be raised by tax in each year such sum of money as may be necessary to pay the interest on all outstanding bonds and the principal of such bonds as may mature during that year; the proceeds of the sale of such bonds shall be deposited with the custodian of school moneys of such school district and shall be paid out only on the warrants or orders of the board of education; *provided*, that the total amount of bonds for the purposes named in this section, including bonds theretofore issued for such purposes, and not redeemed, shall not exceed at any one time a sum equal to three per centum of the taxable valuation of the real and personal property in such city; *provided further*, that if the charter of the city shall limit the amount of indebtedness in such city, or shall by its terms prevent the carrying out of the provisions of this section, said charter provisions shall be hereafter held not to apply to the issuing of bonds under the provisions of this section.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 16, 1904.

CHAPTER 41.

An Act to set off territory from the township of Livingston, in the county of Essex, and annex the same to the borough of Essex Fells, in said county, and to set off territory from the said borough of Essex Fells and annex the same to the township of Livingston.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. All that land and real estate lying and being in the township of Livingston, in the county of Essex,

Annexing portion of Livingston township to Essex Fells.

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bounded and described as follows: And being so much of the said township of Livingston as lies on the north-easterly side of Eagle Rock avenue, lying between the westerly line of the town of West Orange, the former southerly line of the township of Caldwell (as the same existed prior to the formation of the borough of Essex Fells), and the centre line of the road laid out on the lands formerly of Herman Wendell and Frederick H. Treat, and known as Forest road, be set off from the said township of Livingston, in the county of Essex, and state of New Jersey, and annexed to the borough of Essex Fells, in said county, so that the same shall be hereafter a part of, and within the territorial limits of, the said borough of Essex Fells.

2. All that land and real estate situate, lying and being in the borough of Essex Fells, in the county of Essex, bounded and described as follows: Beginning at a point in the norehwesterly line of the lands of Theodore V. A. Trotter where the same is intersected by the southerly line of the lands formerly of Aaron De Camp, now deceased; thence, running along the said northwesterly line of the lands of the said Trotter, which is the boundary line between the borough of Essex Fells and the township of Caldwell, in a general southwesterly, southeasterly and again in a southwesterly direction, to a point in said line distant six hundred (600) feet northeasterly from the northerly line of Harrison avenue; thence southeasterly, in a line parallel with said northerly line of Harrison avenue, along the boundary line between the borough of Essex Fells and the said township of Livingston, to the southeasterly line of lands of said Trotter; thence northeasterly along the said last-mentioned line of lands of said Trotter, being the boundary line between said borough of Essex Fells and the township of Livingston, to the southerly line of lands late of the said Aaron De Camp, deceased; and thence, in a general westerly direction, along the southerly line of lands late of the said Aaron De Camp, deceased, to the point or place of beginning, to be set off from the said borough of Essex Fells, in the county of Essex, and annexed to the said township of Livingston, in said county, so that the same shall be hereafter a part of,

Annexing
portion of
Essex Fells
to Livingston
township.

and within the territorial limits of, said township of Livingston.

3. This act shall take effect immediately.

Approved March 16, 1904.

CHAPTER 42.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture, and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Hereafter it shall be lawful to fish for shad in the Delaware bay, Delaware river and their tributaries, with a seine, or drift gill net at all times; *provided*, that the meshes of any said net shall not be smaller than two and three-quarter inches; *and provided further*, that it shall be unlawful to take or to attempt to take shad, with a net of any character, between sunset Saturday night and twelve o'clock midnight Sunday night, in each week, and between the fifteenth day of June and the tenth day of August in each year; any person or persons violating this provision shall forfeit and pay a fine of one hundred dollars, together with costs of suit, for each offense.

Shad fishing.

Proviso.

Proviso.

2. Hereafter it shall be lawful to fish for herring in the Delaware bay, Delaware river and their tributaries, with a seine, or drift gill net, at all times, except as herein provided; *provided*, that the meshes of any said net shall not be smaller than two and one-half inches; *and provided*, that it shall be unlawful to take or to attempt to take herring, with a net of any character, between sunset Saturday night and twelve o'clock mid-

Herring.

Proviso.

Proviso.

night Sunday night, in each week, and between the twenty-fifth day of June and the tenth day of August, in each year; any person or persons violating the provisions of this section shall forfeit and pay a fine of one hundred dollars, together with costs of suit, for each offense.

Carp.

3. Hereafter it shall be lawful to fish for carp in the Delaware bay, Delaware river and their tributaries, with a seine, stake net or cast net, at all times, except as herein provided; *provided*, that the meshes of any said net shall not be smaller than two and three-quarter inches; *and provided*, that it shall be unlawful to take or to attempt to take carp, with a net of any character, between sunset Saturday night and twelve o'clock Sunday night, in each week, and between the tenth day of May and the tenth day of August, in each year; any person or persons violating the provisions of this section shall forfeit and pay a fine of twenty dollars, together with costs of suit, for each offense.

Eels and catfish.

4. Hereafter it shall be lawful to fish for catfish and eels in the Delaware bay, Delaware river and their tributaries, with nets, the meshes of which for the catching of catfish shall not be smaller than two and one-half inches, at all times, except as herein provided; *provided*, that it shall be unlawful for any person or persons to take or attempt to take catfish, with a net of any character, between sunset Saturday night and twelve o'clock Sunday night, in each week, and during the months of May, June and July, in each year; any person or persons violating the provisions of this section shall forfeit and pay a fine of twenty dollars, together with costs of suit, for each offense.

Rockfish.

5. Hereafter it shall be lawful to fish for rockfish in the Delaware bay, Delaware river and their tributaries, with stake, seine or gill net, at all times, except as herein provided; *provided*, that the meshes of any said net shall not be smaller than two and three-quarter inches; *and provided*, that it shall be unlawful to take or to attempt to take rockfish, with a net of any character, between sunset Saturday night and twelve o'clock midnight Sunday night, in each week, and between the fifteenth day of June and the fifteenth day of August, in

Proviso.

Proviso.

each year; *and provided further*, that no rockfish less than ten inches in length shall be taken with a net of any character; any person or persons violating the provisions of this section shall forfeit and pay a fine of one hundred dollars, together with costs of suit, for each offense.

Proviso.

6. Hereafter it shall be lawful to fish for suckers in the Delaware river and tributaries with a stake, gill or cast net, at all times, except as herein provided; *provided*, that the meshes of any said net shall not be smaller than two and one-half inches; *and provided*, that it shall be unlawful to take or to attempt to take suckers, with a net of any character, between sunset Saturday night and Sunday night, twelve o'clock midnight, in each week, and between the fifteenth day of April and the first day of September, in each year; any person or persons violating the provisions of this section shall forfeit and pay a fine of twenty dollars, together with costs of suit, for each offense.

Suckers.

Proviso.

Proviso.

7. Hereafter it shall be lawful to put, place and keep, in the Delaware river, Delaware bay and their tributaries, at all time, except as herein provided, for the purpose of catching catfish and eels only, and no other fish, any eelpot or pots, basket or baskets, of whatever material the same may be constructed, without any wing or wings; the entrance to said pot or pots, basket or baskets, shall not be more than six inches in diameter, and the outside diameter thereof shall not exceed fifteen inches; said pot or pots, basket or baskets, when so set, shall be placed directly on the bottom of the streams or bodies of water, and shall not be set or placed nearer than fifty feet from each other; *provided*, that it shall be unlawful to take or attempt to take catfish in said pot or pots, basket or baskets, during the months of May, June and July, in each year, under a penalty of twenty dollars for each offense.

Eelpots and
baskets.

Proviso.

8. Hereafter it shall be unlawful to sell or expose for sale any rockfish measuring less than ten inches in length, under a penalty of twenty dollars for each fish so sold or exposed for sale.

Sale of
rockfish.

9. All fish, of whatever kind or character, protected by the laws of this state or herein protected, if caught

Protected
fish returned.

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in any of the nets, pots or baskets herein mentioned, shall be returned to the water, when the nets are taken up, unharmed, so far as practicable.

Penalty when no other specified.

10. Any person or persons violating any of the provisions of this act for which there is not a penalty specifically provided herein shall, upon conviction, pay the sum of twenty dollars, together with the costs of suit, for each offense.

Enforcement.

11. The provisions of this act shall be enforced in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth one thousand eight hundred and ninety-seven, and the supplements thereto and acts amendatory thereof.

Repealer.

12. All acts or parts of acts, whether local, special or general, inconsistent with the provisions of this act are hereby repealed.

13. This act shall take effect immediately.

Approved March 17, 1904.

CHAPTER 43.

A Supplement to an act entitled "An act respecting conveyances" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

1. The fifty-second section of an act entitled "An act respecting conveyances" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows:

What necessary in recorded instruments.

52. No deed or instrument of the nature or description set forth in the twenty-first section of this act, heretofore or hereafter to be made and executed, shall be

recorded in the office of any clerk of the court of common pleas, unless the execution of the same shall have been first acknowledged or proved and certified in the manner hereinbefore directed, except as herein stated, and except conveyances made by a sheriff or other officer or auditors in attachment, in pursuance of a decree, judgment, execution or order of a court, which may be recorded as heretofore.

2. Any and every conveyance heretofore made by a sheriff or other officer or auditors in attachment, in pursuance of a decree, judgment, execution or order of a court, having endorsed thereon or added thereto the affidavit directed by the thirteenth section of an act entitled "An act relative to sales of land under a public statute, or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and approved as in said thirteenth section directed, and which has been or may be hereafter recorded, and the record thereof shall be of the same force and effect as if said conveyance had been duly acknowledged or proved prior to the recording thereof.

3. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 22, 1904.

Validity of
conveyance
properly in-
dorsed and
recorded.

Repealer.

CHAPTER 44.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning idiots and lunatics' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplemental act was approved March thirty-first, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The sixth section of an act entitled "A supplement to an act entitled 'An act concerning idiots and lunatics'

Section
amended.

LAWS, SESSION OF 1904.

[Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplemental act was approved March thirty-first, one thousand eight hundred and ninety-seven, be and the same is hereby amended to read as follows:

Powers exercised by guardian under order of court valid.

6. Where any power, discretionary or otherwise, is or shall be vested in or given to, or the exercise of any power is or shall be dependent upon the consent of any idiot, lunatic or person of unsound mind, upon the application by bill or petition of the guardian of any such idiot, lunatic or person of unsound mind, or of any person interested, the court of chancery may, if it appears expedient so to do, by order authorize or direct such guardian to exercise such power or execute such consent in manner and form as shall be directed by said court, and any and every conveyance or other instrument made and executed by such guardian pursuant to such order, shall be as valid and effectual as though duly made and executed by such idiot, lunatic or person of unsound mind when of sound mind, memory and understanding.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 45.

An Act to amend an act entitled "An act constituting courts for the trial of small causes" [Revision of 1903], approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

I. Section eighty of an act entitled "An act constituting courts for the trial of small causes" [Revision of 1903], approved April eighth, one thousand nine

hundred and three, be and the same is hereby amended so as to read as follows:

80. From any judgment which may be obtained in any small cause court, except such as shall have been given by confession, either party may, upon filing a notice of appeal with the justice within twenty days after judgment shall be given, appeal to the court of common pleas of the county; which appeal the said justice is hereby directed to grant, on the following and no other terms: that is to say, if the judgment appealed from be one entered against the party demanding the appeal, or if there be in the action an offset against his demand, then the appellant shall file with the justice a bond to the other party, with at least one sufficient security, being a freeholder in the county, and in double the amount of such judgment or offset, conditioned that the appellant shall appear and prosecute the said appeal in the said court of common pleas, shall stand to and abide the judgment of the said court, and pay such costs as shall be taxed against him if the judgment be affirmed; if the judgment appealed from be in favor of the appellant, and there be no offset in the action against his demand, then no appeal bond shall be required; the appeal shall be taken by a notice in writing, signed by or in behalf of the appellant, briefly describing the judgment and stating that the party appeals therefrom to the court of common pleas; all appeals shall be heard and determined by the judge without a jury unless a demand for a jury shall be made and signed in writing and filed with the clerk of the court of common pleas at least five days before the day for which the appeal is noticed for trial; either party may bring on the hearing of the appeal at term time or in vacation upon ten days' notice to the other party or his attorney.

Terms for granting appeal.

Payment of costs.

Hearing appeals.

2. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 46.

A Further Supplement to the act entitled "An act relative to sales of land under a public statute, or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Property
disposed of
at private sale
subject to
confirmation
by chancellor.

1. In all cases where sale of any lands, tenements, hereditaments or real estate for the payment and satisfaction of mortgages, authorized or directed by the chancellor to be given upon lands of infants, lunatics, or other persons under disability, has been or shall be hereafter made, the officer or officers, person or persons, authorized to make such sale, may make such sale of said lands, tenements and hereditaments or real estate at private sale, in his, her or their discretion, and on such terms as such officer or officers, person or persons, may deem to be most advantageous to the parties concerned therein, but no such sale at private sale shall be valid until confirmed by the chancellor, upon a report of the terms thereof, by the officer or officers, person or persons, making the same.

When act not
to apply.

2. If any decree for sale heretofore made on foreclosure proceedings on any such mortgage has specially directed a sale at public sale, and such public sale has not been made at the time this act takes effect, then the provisions of this act shall not apply unless the complainant, or persons whose mortgage or mortgages are to be satisfied by the sale, consent that the sale may be at private sale.

3. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 47.

An Act to amend an act entitled "An act to prevent the introduction into and the spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of state entomologist, to authorize inspection of nurseries and to provide for certificates of inspection," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Section fifteen of the act to which this is an amendment is hereby repealed and the following substituted:

I5. Proceedings to enforce the provisions of this act shall be brought in the name of and prosecuted by the state board of agriculture, through the committee of appeal appointed by the executive committee of the board, as prescribed in section twelve of this act; every district court and every justice of the peace in any city or county and every police justice or recorder in any city, is hereby empowered on complaint under oath or affirmation made according to law that any person or persons has or have violated any of the provisions of this act, to issue process in the name of the state board of agriculture of the state of New Jersey as prosecutor, for the use of the state of New Jersey; said oath or affirmation may be made upon information and belief by any member of said committee of appeal and the complaint shall be based upon a report from the state entomologist, certifying the character of the offense committed and the proof supporting the charge; said process shall be in the nature of a summons, returnable in not less than one nor more than ten entire days and shall state what section of the law is alleged to have been violated by the defendant or defendants; at the return of said summons or at any time to which the trial shall

Section
repealed.

Legal pro-
ceedings, how
brought.

Hearing.

have been adjourned, the said district court, justice of the peace, police justice or recorder, shall proceed summarily to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings, either for the prosecutor for the recovery of the fine or penalty incurred, with costs, or for the defendant or defendants; if such judgment be for the prosecutor as aforesaid it shall state the character of the complaint, the section of this act under which the proceedings were taken, the date of the trial, the names of the witnesses who testified for the prosecutor, the names of the witnesses who testified for the defendant, the amount of the fine or penalty for which judgment is given, which shall be the sum specified in the section of this act under which the proceedings were taken and the judgment obtained, the amount of costs assessed against the defendant which shall be the costs allowed by the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year one thousand eight hundred and ninety-eight; such other or further orders to the officer authorized by law to enforce such judgment as are provided for in section fourteen of this act, and that execution do issue against the goods and chattels of said defendant for the amount of said fine or penalty and costs; said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same; the officers to serve any process or execution issued as aforesaid shall be the county constables, and within the jurisdiction of any district court shall include the sergeant-at-arms thereof, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district courts of this state are served and executed under and by virtue of the act concerning district courts cited above; all fines or penalties and costs shall be paid by the officer collecting the same to the treasurer of the state board of agriculture who shall, after deducting therefrom the necessary costs of prosecution, pay the balance into the treasury of the state, accompanied by a statement showing the amount collected and the cost of collecting the same; said officer

Costs.**Judgment
and process.****Disposition
of fines.**

executing the judgment shall also, if it contains an order to seize and destroy trees, shrubs or other plants, make return to the court from which the execution issued, stating that the order has been carried out, or if it has not been carried out, the reasons why the judgment of the court could not be enforced.

Destruction
of trees.

2. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 48.

A Further Supplement to an act entitled "An act for the purchase of grounds for the burial of dead bodies thrown upon the shores of this state by shipwreck," approved April nineteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. For the purpose of clearing, grading, marking, inclosing and suitably preserving the burial grounds purchased by the state of New Jersey under the act of the legislature, to which this is a supplement, and for the purchasing of other burial grounds that may be deemed necessary by the commissioners appointed under the said provisions of the act of the legislature to which this is a supplement, there be appropriated the sum of one thousand eight hundred dollars, and the comptroller of the state is hereby authorized to draw his warrant upon the state treasury for the sums necessary to carry out the purposes of this act; *provided*, an appropriation therefor shall have been included in the annual appropriation bill.

Appropriation
for burial
grounds.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 49.

An Act authorizing incorporated camp meeting associations to require the construction of sidewalks and curbing and the payment of the cost thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Require
sidewalks
and curbing
done by
lessee, etc.

1. The board of trustees or other corporate authorities of any incorporated camp meeting association shall have the right and power, by ordinance, to require the construction, relaying, repairing and keeping in repair of sidewalks and curbing on any and all streets, roads or public places in the limits of said camp meeting association, at the cost and expense of any lessee or lessees, his or their heirs, executors, administrators or assigns, whose lease shall be for the term of ninety-nine years from the date of the same, renewable for a like term of years forever, of the lands in front of which the said sidewalks and curbing may be so constructed, relaid or repaired.

Notice to be
given of
proposed
ordinance.

2. Written notice of the proposed adoption of said ordinance shall be given said lessee, lessees, his or their heirs, executors, administrators or assigns at least ten days before the adoption thereof, which notice shall be given to said lessee, lessees, his or their heirs, executors, administrators or assigns by mail, if their post-office address be known; if not known, then by posting such notice on the premises affected thereby, or by personal service if said lessee, lessees, his or their heirs, executors, administrators or assigns, be resident within the limits of the said association.

Time allowed
for work.

3. Any ordinance providing for the construction of, relaying, repairing and keeping in repair the sidewalks and curbing on any streets, roads or public places within the limits of the said association, shall provide for allowing the lessee or lessees, his or their heirs, executors,

administrators or assigns as aforesaid of the lands in front of which said sidewalks and curbing may be so constructed, relaid or repaired, at least thirty days' time in which to perform the work required thereby, and that written notice of the required work be sent to such lessee or lessees, his or their heirs, executors, administrators or assigns as aforesaid, and be mailed, if their post-office address be known; if not known then by posting such notice on the premises affected thereby, or leaving the same with any occupant thereof, or by personal service if said lessee or lessees, his or their heirs, executors, administrators or assigns be resident within the limits of the said association.

4. In case the lessee or lessees, his or their heirs, executors, administrators or assigns as aforesaid shall fail to construct, repair or keep in repair such sidewalks and curbing according to the requirements of any such ordinance, and after notice given as aforesaid, the said board of trustees or other governing body of said association shall cause the work to be done and said sidewalks and curbing constructed, and the entire cost thereof, with interest, shall be, by resolution of the said board of trustees or other governing body of said association, assessed upon the interest and estate of said lessee or lessees, his or their heirs, executors, administrators or assigns, in the lot or lots of land in front of which such sidewalks and curbing shall have been so constructed or repaired; said resolution shall set forth the name of the lessee or lessees, his or their heirs, executors, administrators or assigns, a description of the lot leased, and the amount assessed thereon, and be entered at length on the minutes of said association, and within thirty days thereafter it shall be lawful for the said association to file in the clerk's office of the county wherein said association is situate a copy of said resolution certified by the secretary or clerk of said association, and thereupon such assessment shall become a paramount lien upon the estate in said lot or lease of the tenant possessing the same.

5. If the said assessment or assessments shall remain unpaid to the said association for thirty days after the filing of said resolution in the county clerk's office as

Upon failure
to comply,
work done by
trustees and
assessed.

Notice of
assessment.

If assessment
unpaid, sale
of leasehold.

Proviso.

aforesaid, it shall thereupon be lawful for the said association in its corporate name to cause the leasehold estate of the said lessee or lessees, his or their heirs, executors, administrators or assigns, in said lot or lots in front of which said sidewalks and curbing shall have been constructed or repaired, to be advertised at public sale and sold to such person as will purchase the same for the shortest term and pay the said assessment with interest and costs; *provided, however,* that in making said sale the said association shall first cause notice of the same to be advertised in a newspaper published or circulating within the limits of said association, two successive weeks, once in each week prior to said sale, and shall cause copies of said notice to be set up in five public places within the limits of said association, for the same period.

Possession
given
purchaser.

6. Upon making said sale the said association is hereby authorized to execute and deliver to any purchaser of said estate a conveyance for the term purchased of all the former right, title and interest of the said lessee or lessees, his or their heirs, executors, administrators or assigns, against whom said assessment was made, and thereupon said purchaser shall become entitled to the possession of said former estate in all respects as possessed and owned by the said person against whom said assessment was made for the term purchased, and said purchaser shall be entitled after said conveyance, both in law and equity, to the possession of said premises and estate, and to maintain an action of ejectment therefor.

Redemption
of leasehold
sold for
assessment.

7. Any lessee or lessees, his or their heirs, executors, administrators or assigns, mortgagee or other person having an interest in said leasehold estate, may redeem said premises and leasehold interest from said sale and assessment at any time within six months after said sale upon payment of said assessment, interest and costs to said purchaser, who shall, upon such payment, within said six months, surrender possession of said premises to said lessee or lessees, or his or their heirs, executors, administrators or assigns, thereby said lessee, lessees, his or their heirs, executors, administrators or assigns, shall be entitled to receive from said purchaser at said

sale, a reconveyance of all the right, title and interest of said purchaser acquired at and by virtue of said sale.

8. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 50.

An Act to amend an act entitled "An act for the relief of executors, administrators and assignees," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one of an act entitled "An act for the relief of executors, administrators and assignees," approved March twenty-fourth, one thousand eight hundred and ninety-nine, be and the same hereby is amended so that said section shall read as follows:

1. Whenever any executor, administrator or assignee shall have stated, or shall hereafter state, his final account of the estate in his hands in the prerogative court or in any of the orphans' courts of this state, and there shall be remaining in his hands any balance, legacy, residuary share, dividend sum or sums of money to be paid to any legatee, distributee, creditor or other person or persons, and the said legatee, distributee, creditor or other person or persons, or any guardian of any such person in case he or she shall be an infant or under any disability, shall not appear and claim or have appeared and claimed the moneys so due to him, her or them respectively within three months from the time of the passing of the said final account by the said court in which the same was stated and allowed, the said executor, administrator or assignee may pay the said share, legacy or sum of money into the court in which said account was stated, taking therefor the receipt of the

Section amended.

When balance remaining in executor's hands.

Paid into court.

Receipt a full
discharge.

surrogate or clerk of said court; and said receipt shall be a full and sufficient discharge and release to the said executor, administrator or assignee for the moneys so by him paid into court and against the claim or demand of the said legatee, distributee or creditor so entitled to receive the same; and said receipt may be recorded in the office of the clerk or surrogate of said court, in the same manner as releases for legacies and distributive shares are now authorized to be recorded; *provided*, that the said executor, administrator or assignee, upon payment of the said moneys into court, shall file therewith an affidavit that he has made diligent inquiry for the residence and post-office address of the person or persons entitled to receive such moneys, and has not been able to ascertain the same; or, that having ascertained such residence and post-office address, he has either personally or by letter duly mailed to such residence and post-office address of the person or persons entitled to receive such moneys, notified such person or persons to appear and receive the same, which notice shall have been given at least twenty days before the payment of such moneys into court as aforesaid.

2. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 51.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this state," approved April third, one thousand nine hundred and two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section sixteen of the act to which this is an amendment be and hereby is amended so as to read as follows:

Section
amended.

16. Any insurance company of this state, for the purpose of investing its capital, surplus and other funds, or any part thereof, may subscribe for, purchase, acquire, invest in, or lend on and hold as collateral security or otherwise, and sell and convey, any and all of the following:

I. Bonds or public stock issued or created by the United States, or by this state, or by any of the other states of the United States, or by the District of Columbia;

II. Bonds, interest-bearing notes or evidences of indebtedness of or created by any of the incorporated cities, counties, townships or other municipal corporations of this state, or of any state of the United States or the District of Columbia;

III. Bonds authorized to be issued by any commission appointed by the supreme court of this state;

IV. The capital stock, bonds, securities, or evidences of indebtedness created by any corporation or corporations formed by or under the laws of the United States, or of this state or of any other state of the United States;

V. Mortgages or trust deeds on unencumbered real estate located within any state of the United States or the District of Columbia worth at least fifty per centum more than the sum invested or loaned, and the bonds or notes, if any, given with and secured by such mortgages or trust deeds; *provided*, that no loan shall be made on any of the securities mentioned in subdivisions II., III. and IV. of this section exceeding ninety per centum of the market value thereof at the time the loan is made; *and provided further*, that no loan shall be made by any company on, nor shall any company purchase its own stock; and any life insurance company of this state may, in addition to the foregoing, purchase for its own benefit any policy of insurance or other obligation of the company and any claims of policy-holders, and may lend on the policies or other contracts of the company a sum not exceeding the surrender value of such policies or other contracts at the time the loan is made, for the payment of which loan such policies or other contracts and all profits thereon shall be

Investments
in.

Proviso.

Proviso.

pledged, and any company organized for the purpose of marine insurance may, in addition to the foregoing, lend their funds on bottomry and respondentia, and change and reinvest the same as occasion may from time to time require.

2. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 52.

An Act to regulate and control the business of pawnbrokers and dealers in second-hand goods.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Book of loans
and purchases
kept when
ordered by
police.

1. All pawnbrokers or dealers in second-hand goods in the state of New Jersey shall, when notified so to do by the police department of any city or other municipality within this state, keep and maintain a book or books in which shall be entered legibly and correctly, the description of each and every article or thing received by him in pawn or pledge, together with the amount loaned thereon, or which shall be bought by any dealer in second-hand goods, together with a description of the person making the pledge or selling the goods to such second-hand dealer; such entries in said books shall be made within twenty-four hours of the time such goods were placed in pawn or pledge, or received by such dealer in second-hand goods; and said books shall be at all times open and available for inspection by any member of any such police department.

Penalty for
not obeying
order.

2. Any person, firm or corporation failing to obey any order made by the police department of any city within five days from the receipt of personal service of said order, shall be deemed guilty of a misdemeanor and liable to punishment by fine of twenty-five dollars besides costs of suit; fines recovered under this act shall

be collected and chargeable as are other judgments of the court imposing the same.

3. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 53.

An Act authorizing cities of this state to extend existing water works owned by such cities, and to issue bonds for the cost of such extensions.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful for any city in this state which owns or operates a system of water works to increase the capacity of such works or to extend such system of water works to other and further parts of such city by laying additional mains or lateral connections in such cases as the governing body of such city shall determine to be necessary; and such city may borrow, in accordance with the provisions of this act, such money as may be necessary for the purpose and issue interest-bearing bonds of the city as security therefor.

Extension of
water system
by bond issue.

2. All works or connections performed under the provisions of this act shall be, by such city, let to the lowest responsible bidder, after due notice given to secure adequate competitive bids.

Competitive
bids.

3. The bonds issued by such city under the provisions of this act shall not exceed in the aggregate five per centum of the assessed value of the property of such city as shown by the last preceding duplicate of assessment in such city, and such bonds shall be for a period not exceeding thirty years and shall draw interest at a rate not exceeding five per centum per annum, and said interest may be made payable semi-annually and may be represented by coupons attached to said bonds.

Amount, time
and rate of
bonds.

4. A sinking fund shall be created sufficient to meet all bonds issued under this act at their maturity, and

Sinking fund
to meet
bonds.

there shall be assessed annually in such city the necessary taxes to pay into such sinking fund annually the necessary amount for that purpose and also to pay the annual interest on said bonds; and no provision of the charter of such city or of the general laws of this state applicable to such city limiting the amount of indebtedness of such city shall be operative to prevent the incurring of the indebtedness and issuance of the bonds provided for in this act.

Existing rights not taken away.

5. This act shall not in any way take away or repeal any existing rights or powers of any city either in making such extensions of water systems or providing for the payment of the cost thereof.

6. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 54.

An Act to authorize any city of this state to raise money, either by temporary loans or by the issue or issues of bonds for any sum not exceeding fifteen per centum of the taxable value of the real and personal property rated for assessment in such city, and to use the same for the purpose of retiring the floating or matured bonded indebtedness, for the enlargement and improvement of the public buildings, water works, sewerage system and for other lawful purposes of such city.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Amount to which bonds may be issued.

1. Hereafter it shall be lawful for any city of this state, and it shall have power and authority to raise money, either by temporary loans or by the issue or issues of bonds, for any sum not exceeding fifteen per centum of the taxable value of the real and personal

property rated for assessment in such city, and to issue proper evidence of indebtedness or bonds therefor in the name and under the corporate seal of such city, to be signed by the mayor and attested by the city clerk and countersigned by the city treasurer; which bonds shall have coupons attached for every half year's interest due, which coupons shall be signed by the said treasurer and numbered to correspond with the bonds to which they shall be respectively attached; and all bonds issued under this act shall be numbered and a register of such numbers, the date of issuing, to whom issued and the time of payment shall be made by the city clerk of such city in a book to be provided for such purpose; they shall be of such denomination and bear interest at such rate, not exceeding five per centum per annum, and be payable at such times and places, not exceeding thirty-five years from the date of issue, as the city council or other governing body shall determine; they shall be disposed of at not less than their par value; and the proceeds of such evidence of indebtedness or bonds shall be used to retire any floating or matured bonded indebtedness, for the enlargement and improvement of the public buildings, water works, sewerage system or for other lawful purposes of such city; *provided*, that the issue of said bonds shall be duly authorized by ordinance.

Rate and time.

Proceeds, how used.

Proviso.

Sinking fund.

2. It shall be the duty of the city council or other governing body to provide by taxation in the annual tax levy of such city such sum as will be sufficient in every case to provide for the annual interest of the bonds so issued and a sinking fund for the redemption thereof, which shall not be less than two per centum of the amount so issued.

3. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 55.

An Act concerning the extension of sewers and sewer systems in cities of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Extension
of sewerage
system.

1. It shall be lawful for any city in this state which desires to extend any existing system of sewerage, owned by the city, by laying additional mains or lateral connections, to make such extensions and raise the necessary money for that purpose in the manner and under the conditions hereinafter set forth; but this act shall not apply to any such extensions, or be in any way held to enlarge or modify the existing powers and rights of cities relative to such extensions unless the petition referred to in the next succeeding section be presented to the common council or other governing body of such city in manner as is in said next succeeding section set forth; nor shall this act in any way take away or repeal any existing rights or powers of any city either in making such extensions or providing for the payment of the cost thereof.

Petition for
sewer.

2. Before any proceedings may be taken under the provisions of this act, a petition shall be presented to the common council or other governing body of such city, signed by at least three-fifths in value of the property owners on the street or streets, alley or alleys, along which said sewers are to be laid, said values to be ascertained from the last duplicate of assessment of such city, which petition shall request such city to lay said sewer or sewers along the street or streets, alley or alleys in said petition specified and request the construction of the same under and pursuant to the provisions of this act, and in said petition it shall set forth that said petitioners each bind themselves to pay to such city, of the cost of such construction, such assessment as shall be made by such city in accordance with the provisions

of the charter or general laws governing assessments for sewer construction in such city.

3. Upon the petition referred to in the preceding section being filed in manner and substance as set forth in the section, the common council or other governing body of such city may, by ordinance, order constructed all or any part of the work contemplated by said petition, and in said ordinance may make all necessary provisions for the accomplishment thereof, including provisions for the letting of said work to the lowest responsible bidder or bidders, and the borrowing of the necessary funds for the accomplishment of said work and the securities to be issued therefor, and all other matters and things necessary and appropriate for the complete performance of said work petitioned for or such part thereof as such governing body may determine to order performed; but the provisions for the borrowing of the necessary money and for issuing the necessary securities therefor, and such other provisions as may be deemed proper or expedient may be omitted from said ordinance and provided for by subsequent ordinance of such city; but no such ordinance ordering the construction of such work shall be passed until notice is given by the clerk, recorder or secretary of such common council or other governing body to all property owners along the line of said proposed sewers who have not signed such petition, of the time and place when said ordinance will be placed on its final passage, and that said property owners may appear at said time and place and be heard as to any objections they may have to the passage of said ordinance; said notice shall be given by mailing the same to the last known post-office address of such property owners at least ten days prior to the date named therein for said hearing, and at said time and place all persons desiring to be heard shall be accorded the privilege before such governing body.

4. Upon the completion of the work ordered under the provisions of this act, the costs thereof shall be assessed to the adjacent properties to the amount of the benefits conferred upon said properties respectively, in accordance with the provisions of the charter of such city and existing laws governing such city as to assessments; but not more than two-thirds of the costs shall

Proceed by
ordinance.

Provisions
for money.

Notice to
property
owners.

Assessment
of cost.

Proviso.

May issue bonds.

Discharge of short term bonds.

Sinking fund to meet long term bonds.

Amount of bonds.

be assessed to adjacent properties; and such assessments shall be enforced and collected in the manner provided by the charter and existing laws governing such city as to such assessments; *provided, however,* that said assessments shall be made immediately upon the completion of such work and shall become payable in three months from the date of such assessments, and if not paid when payable, proceedings for their collection shall at once be taken.

5. To raise the necessary money to defray the cost of such work such city may borrow the same and issue its bonds therefor, said bonds to draw interest at not more than five per centum per annum, and said bonds shall not be sold at less than their par value or face value; one-third in amount of said bonds shall be made payable at not less than twenty or more than thirty years from their date and shall be known as long term sewer bonds, and two-thirds in amount of said bonds shall be payable at not more than two years from their date and shall be known as short term sewer bonds; and all moneys received from the assessments on the adjacent properties shall be paid into a fund and preserved intact to discharge said short term sewer bonds at their maturity; in the event of said fund being insufficient to fully discharge said short term sewer bonds at their maturity, such deficiency, as there may be, shall be supplied from the general treasury of such city, and such city may, if deemed advisable, borrow such deficiency and pledge said unpaid assessments as security for the loan, or such city may issue such new bonds of like term and rate of interest as may be deemed advisable to secure all or a portion of the amount necessary to meet such deficiency, and at their maturity any such new bonds, so issued, shall be paid from the general treasury of the city.

6. A sinking fund shall be created sufficient to meet such long term sewer bonds at their maturity, and there shall be assessed annually in such city the necessary taxes to pay into said sinking fund annually, the necessary amount, and also to pay the annual interest on said long and short term sewer bonds; the aggregate amount of long term sewer bonds outstanding, issued under the provisions of this act shall not at any time exceed three

per centum of the assessed value of the property of such city, as shown by the last duplicate of assessment of such city, and the aggregate amount of short term sewer bonds outstanding, issued under the provisions of this act shall not at any time exceed five per centum of the assessed value of the property of such city, and no provision of the charter of such city, or of the general laws of this state applicable to such city limiting the amount of indebtedness of such city shall be operative to prevent the incurring of the indebtedness and issuance of the bonds provided for in this act.

7. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 56.

An Act to fittingly commemorate the memory and services of the soldiers of the Ninth regiment, New Jersey volunteer infantry, who are buried in the national cemetery at Newbern, North Carolina, and appropriating the sum of five thousand dollars for the erection and expenses of the dedication of a suitable monument with which to mark their final resting places.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

1. In order to fittingly commemorate the memory and in recognition of the services of the soldiers of the Ninth regiment, New Jersey volunteer infantry, who gave up their lives in defense of the nation, and who lie buried in the national cemetery at Newbern, North Carolina, the sum of five thousand dollars is hereby appropriated from the funds in the state treasury not otherwise appropriated, for the erection and dedication of a suitable monument to be erected in said national cemetery.

Appropriation
for monument.

LAWS, SESSION OF 1904.

Commission
to make
selection.

2. That for the carrying out and execution of the provisions of this statute the governor shall appoint three commissioners from among the surviving members of the said Ninth regiment, New Jersey volunteer infantry, to serve without compensation, whose duty it shall be to select a suitable monument as provided for in the first section of this act, and to superintend the erection of and to take charge of the dedication of the said monument; all the expenses attending the selection, erection and dedication of said monument shall be paid out of and shall not exceed the said sum of five thousand dollars.

Treasurer.

3. The said commission, when appointed, shall select one of their number as treasurer of the commission.

4. The treasurer of the state shall, on the warrant of the comptroller, pay to the treasurer of said commission the moneys hereby appropriated.

Report to
governor.

5. The treasurer of the commission shall, upon the completion of the monument and dedication thereof, report to the governor of the state a full account of all the expenditures of said commission, and cover into the treasury of the state the unexpended balance, if any, of the appropriation.

6. This act shall take effect immediately.

Approved March 22, 1904.

CHAPTER 57.

An Act to amend a supplement to an act entitled "An act respecting the orphans court and relating to the powers and duties of the ordinary and the orphans court and surrogates" [Revision of 1898], approved March twenty-sixth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section
amended.

I. Section one of the supplement to an act to which this act is an amendment be and the same is hereby amended to read as follows:

1. Where the orphans court of any county of this state has made or shall make an order for the sale of lands for the payment of debts under the provisions of the act to which this is a supplement, and the executor or administrator to whom such order is directed, or in whose name the application may be pending, has died, shall die or be removed before such sale is made, the said court shall have power, upon the application of the substituted administrator or administrators and upon giving bond in the manner and form prescribed in the act to which this is a supplement, to direct the substituted administrator or administrators to make sale of said land at public or private sale in the same manner as if the rule to show cause and other prior proceedings had been in his or their names.

Sale of lands
by substituted
administrator.

2. All acts and parts of acts inconsistent herewith or repugnant hereto are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 22, 1904.

CHAPTER 58.

An Act to incorporate the borough of Stanhope, in the county of Sussex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the township of Byram, in the county of Sussex and state of New Jersey, hereinafter mentioned and described, are hereby constituted and declared to be a body corporate in fact and in law, by the name of "The Borough of Stanhope," and shall be governed by the general laws of this state relating to boroughs.

Corporate
name.

2. The boundaries of said borough shall be as follows: beginning in the center of a large rock, situated in the middle of the Musconetcong river, about one hundred feet east from Lake Musconetcong, also about one hun-

Boundaries.

LAWS, SESSION OF 1904.

dred feet west of a large white oak tree standing in said river, said rock being partly covered by roots, also being surrounded by three maples and a basswood tree, and runs thence as the needle pointed November fourth, one thousand nine hundred and three: (1) north, fifteen degrees thirty minutes west, five thousand eight hundred and fifty-six feet to a stone corner on a large ledge of rocks, said ledge being about one hundred and fifty feet long and thirty feet high, on a northerly course from a large swamp; thence (2) north, eighty-one degrees west, three thousand seven hundred and seventy-nine feet to a stone corner, said corner being in the most southerly line of a sixty-acre tract, also one thousand six hundred and ninety feet from the most southwest corner of the above-mentioned tract; thence (3) south, seventy degrees fifteen minutes west, seven thousand and twenty feet to the center of Musconetcong river, said point being on a course north, forty degrees west, forty-five feet from a large pine tree standing on the east side of Musconetcong river, also in the dividing line between the counties of Morris and Sussex; thence (4) following the center of the said Musconetcong in a southerly course, its several courses, to the place of beginning.

3. This act shall take effect immediately.

Approved March 24, 1904.

CHAPTER 59.

An Act to provide for the election of a mayor in incorporated towns of this state and to regulate his duties and term of office.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. In each of the incorporated towns of this state now having or that may hereafter have a population of ten thousand inhabitants, according to the last preceding national or state census, and wherein the board of al-

Mayor of
towns in cer-
tain instances.

dermen or common council consists of an even number of members, there shall be elected by all the legal voters of such incorporated town, in addition to the aldermen or members of the common council now required to be elected by wards, a mayor, who shall hold his office for two years, and shall be a resident of said incorporated town; the said mayor shall by virtue of such election be the president of the common council or board of aldermen of such incorporated town, and shall possess and exercise all the power of a member of said common council or board of aldermen, and also the president thereof.

2. This act shall take effect immediately.

Approved March 25, 1904.

CHAPTER 60.

An Act to incorporate the borough of Andover, in the county of Sussex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the township of Andover, in the county of Sussex, and state of New Jersey, hereinafter mentioned and described, are hereby constituted and declared to be a body corporate in fact and in law, by the name of "The Borough of Andover," and shall be governed by the general laws of this state relating to boroughs.

Corporate
name.

2. The boundaries of said borough shall be as follows: Beginning at the corner between the townships of Andover and Green, in a line of the township of Byram, at a place known as White Hall, and runs from thence, (1) on the line between the townships of Andover and Green, north thirty-six degrees west, sixty-four chains and sixty links to a corner in said line on a ridge of land between two depressions or water basins on the farm of William Valentine, thence (2) north eleven

Boundaries.

degrees and forty-five minutes east, one hundred and twenty-three chains and fifty links to the centre of a bridge over the outlet of White's pond, on the road leading from Andover to Newton, and near the farm-house of Nathan A. Stackhouse and son; thence (3) south seventy-eight degrees and thirty minutes east, fifteen chains and ninety-five links to a stone corner on a ledge of rocks northwesterly from Martin Kinney's barn; thence (4) south fifty-nine degrees and thirty minutes east, sixty-one chains and seventy-five links to a stone corner at the foot of a ridge on lands of Henry Bonker, and from said corner, the east corner of the main part of Henry Bonker's house, bears north seventy-two degrees and thirty-five minutes west distant five chains and twenty-four links; thence (5) south twenty degrees and thirty-five minutes west, one hundred and forty-five chains and seventy-five links to a point in the line between the townships of Andover and Byram; thence on said line, (6) southwesterly five chains to the place of beginning.

3. This act shall take effect immediately.

Approved March 25, 1904.

CHAPTER 61.

An Act to improve the condition of tenement-houses in this state and to establish a state board of tenement-house supervision.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

ARTICLE I.

Section I.

Definitions.

1. Certain words used in this act are defined, for the purposes thereof, as follows:

Tenement-house.

2. A tenement-house is any house or building or portion thereof which is rented, leased, let or hired out to

be occupied or is occupied as the home or residence of three families or more, living independently of each other and doing their cooking upon the premises, or by more than two families upon any floor so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies or some of them.

3. A yard is an open, unoccupied space on the same lot with a tenement-house, between the extreme rear line of the house and the rear line of the lot.

4. A court is an open, unoccupied space other than a yard, on the same lot with a tenement-house; a court not extending to the street or yard is an inner court; a court extending to the street or yard is an outer court; if it extends to the street it is a street court; if it extends to the yard it is a yard court.

5. A shaft includes exterior and interior shafts, whether for air, light, elevator, dumb-waiter or any other purpose; a vent shaft is one used solely to ventilate or light a water-closet compartment or bath-room.

6. A public hall is a hall, corridor or passageway not within an apartment.

7. A stair hall includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

8. An entrance hall shall be taken to mean that portion of the public hall, from the entrance leading to and including the stair enclosure.

9. A basement is a story partly, but not more than one-half below the level of the grade and for the purposes of this act shall be counted as a story, if more than five feet above the grade, unless otherwise specifically stated.

10. A cellar is a story more than one-half below the level of the curb and for the purposes of this act shall not be counted as a story, unless otherwise specifically stated.

11. A fireproof tenement-house is one of the walls of which are constructed of brick, stone, iron or hard, incombustible material, and in which there are no wood beams or lintels, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone,

Yard.

Court.

Shaft; vent shaft.

Public hall.

Stair hall.

Entrance hall.

Basement.

Cellar.

Fireproof tenement-house.

iron or other hard, incombustible material and in which no wood work or other inflammable material is used in any of the partitions, furrings or ceilings; but this definition shall not be construed as prohibiting elsewhere than in the stair halls or entrance halls the use of wooden flooring on top of the fireproof floors, or the use of wooden sleepers, nor as prohibiting wooden handrails and treads, if made of hard wood not less than two inches thick.

Fireproof door.

12. A fireproof door shall be a doorway in which both the frame and the door are constructed of approved fireproof material, or they may be constructed of pine or other soft wood, of two thicknesses of matched boards at right angles with each other and securely covered with metal on both sides and edges, with folded, lapped joints, the nails for fastening the same being driven inside the lap; the hinges, or bolts or latches, shall be secured or fastened to the door and frame after the same has been covered with metal; and if any glass is used in any such door it shall be of good quality wire glass.

Fireproof bulkhead.

13. A fireproof bulkhead shall be taken to mean a bulkhead constructed of approved fireproof materials or constructed of wood, covered with metal, in a manner similar to the construction of a fireproof door.

Height of building.

14. The height of a tenement-house is the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams, the measurements in all cases to be taken through the center of the facade of the house; where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the facade on the street having the greatest grade.

"Shall."

15. The word "shall" is always mandatory and not directory, and denotes that the house shall be maintained in all respects according to the mandate, as long as it continues to be a tenement-house.

"Board."

16. The word "board" shall be construed as if followed by the words "charged with the enforcement of this act."

"Curb."

17. The word "curb" for the measurements of heights shall be taken to mean the level of the estab-

lished curb-line, where the same exists, taken at the center of the street frontage; where the walls of a building do not adjoin the street or building line, then the average level of the ground on which the building stands may be taken as the curb, at the direction of the board.

18. The word "approved" shall be construed as if followed by the words "by the board charged with the enforcement of this act." "Approved."

19. The words "local ordinance" and "fire limits" shall be construed as if followed by the words "of the municipality in which the tenement-house is situated." "Local ordinance," "fire limits."

20. A frame building shall be taken to mean a building of which the exterior walls, or a portion thereof, shall be constructed of wood; buildings sheathed with boards and partially or entirely covered with four inches or less of masonry or with metal sheets, shall be deemed frame buildings. Frame building.

21. The term "house sewer" is applied to that part of the main drain or sewer extending from a point two feet outside of the outer wall of the building, vault or area, to its connection with the main sewer or cesspool. "House sewer."

22. The term "house drain" is applied to that part of the main horizontal drain and its branches inside the walls of the building, vault or area, and extending to and connecting with the house sewer. "House drain."

23. The term "soil-pipe" is applied to any vertical line of pipe extending through the roof, receiving the discharge or one or more water-closets, with or without other fixtures. "Soil-pipe."

24. The term "waste-pipe" is applied to any pipe extending through the roof, receiving the discharge from any fixtures except water-closets. "Waste-pipe."

25. The term "vent-pipe" is applied to any special pipe provided to ventilate the system of piping, to prevent back pressure and to stop siphonage. "Vent-pipe."

Section 2.

26. A building not erected for use as a tenement-house, if hereafter converted or altered to such use, shall

Converted
buildings as
tenements.

LAWS, SESSION OF 1904.

thereupon become subject to all the provisions of this act affecting tenement-houses hereafter erected.

**Alterations
in height.**

27. No existing tenement-house shall be altered so as to increase the number of stories without being made to conform to all the requirements for buildings hereafter erected for that height or number of stories.

**Alterations
as to rooms.**

28. No existing tenement-house shall be altered so as to increase the number of rooms, nor its hallways changed unless such new rooms or hallways shall be made to conform with the requirements of this act for buildings hereafter constructed.

**No decrease
in light and
air.**

29. No alteration or addition shall be made to any tenement-house so as to decrease the light and ventilation of any other part of said tenement-house.

**Relative size
of lot.**

30. No tenement-house shall hereafter be enlarged or its lot be diminished so that a greater percentage of the lot shall be occupied by buildings or structures than is required for tenement-houses hereafter erected.

**Minimum
depth pre-
served.**

31. No tenement-house shall hereafter be enlarged or its lot be diminished so that its lot shall be less in depth than the minimum depth required for tenement-houses hereafter erected.

**When unlaw-
ful structure.**

32. If any tenement-house or any part thereof is occupied by more families than provided in this act, or is erected, altered, maintained or occupied contrary to this act, such tenement-house shall be deemed an unlawful structure and the board may cause such building to be vacated; and such building shall not be again occupied until it or its occupation, as the case may be, shall have been made to conform to this act.

**Law applicable
to tenements
under way.**

33. A tenement-house not now completed, but the excavation for which shall have been commenced in good faith on or before the first day of May, one thousand nine hundred and four, and after approval of all the plans therefor by the local authorities having such jurisdiction, and the first tier of beams of which shall have been set on or before the first day of July, one thousand nine hundred and four, shall be subject only to the provisions of this act affecting now existing tenement-houses.

ARTICLE II.

Section I.

34. Every non-fireproof tenement-house hereafter erected, more than three stories high, unless provided with outside fireproof stairways directly accessible to each apartment, shall have fire-escapes located and constructed as hereafter described.

Fire-escapes.

35. Every now existing non-fireproof tenement-house, more than three stories high, unless provided with outside fireproof stairways directly accessible to each apartment, shall have fire-escapes located and constructed as hereafter described; but a fire-escape now erected upon such house shall be deemed sufficient, except as provided in the next two succeeding paragraphs of this act.

Location of fire-escapes.

36. In every now existing non-fireproof tenement-house more than three stories in height, there shall be a separate fire-escape directly accessible to each apartment, exclusive of fire-escapes in air-shafts and courts; and a party wall fire-escape balcony on the rear of the building connecting with the window of an adjoining building shall be deemed a sufficient fire-escape only when the two buildings are completely separated by an unpierced fire wall throughout their entire height and length; and all wooden floor slats and floors of fire-escape balconies shall be replaced by proper iron slats or floors; and no wooden balcony or wooden outside stairs shall be deemed part of a lawful fire-escape.

Separate fire-escapes.

37. Whenever a now existing non-fireproof tenement-house is not provided with sufficient means of escape in case of fire, the board may order such additional fire-escapes or other means of egress as, in its judgment, may be necessary.

Metal parts.

38. All fire-escapes hereafter erected on any tenement-house shall open directly from at least one room in each apartment at each story above the ground floor, other than a bath-room or water-closet compartment, and shall not include the window of a stair hall, and no fire-escape shall be placed in a court except as provided

Additional fire-escapes may be ordered.

Opening to fire-escape.

LAWS, SESSION OF 1904.

Kept clear.

Notice on
fire-escape
balconies.Kept well
painted.Description of
fire-escapes.

Balconies.

in paragraph ninety-five of this act; fire-escapes may project into the public highway to a distance not greater than four feet beyond the building line; no person shall at any time place any incumbrance of any kind before, or upon, such fire-escape, under a penalty of a fine of ten dollars or the confiscation of articles so placed.

39. All fire-escape balconies now existing or hereafter erected on any tenement-house shall have a plate firmly fastened to the standard or filling-in bars, near the top railing in front of and facing at least one window in each apartment, such plate to contain in plain, large prominent, raised letters, each letter to be not less than one-half inch in height, the following words: "anyone placing any incumbrance on this balcony or stairway will be fined ten dollars or the objects forming such incumbrance will be confiscated;" the lettering on such plate shall be painted a contrasting color.

40. All fire-escapes hereafter erected on any tenement-house shall have one coat of approved paint before leaving the shop, and at least one coat after erection, and all such fire-escapes now existing or hereafter erected shall be kept well painted and in good condition by the owner.

41. Fire-escapes hereafter placed on tenement-houses shall consist of outside open iron balconies and stairways; the balcony on the top floor, except in case of a front fire-escape, shall be provided with a goose-neck ladder leading from said balcony to and extending not less than thirty inches (30") above the roof; such goose-neck ladder shall be securely fastened to the wall of the building and to the roof, and there shall be a space of not less than eighteen inches (18") between the outside line of such ladder and the outer rail of the top fire-escape balcony; such ladder shall be constructed as provided for drop ladders in paragraph forty-eight (48) of this act; the strings shall be in one (1) piece and shall not be connected in parts by rivets or bolts; such ladders shall be arranged to rest at the bottom on brackets, and not on the slats forming the floor of the balcony.

42. The fire-escape balconies hereafter placed on all tenement-houses shall not be less than three feet (3' 0")

in width, taking in at least one (1) window of each apartment at each story above the ground floor; they shall be below, and not more than one foot (1' 0") below, the window-sills and extend in front of and not less than nine inches (9") beyond each window; there shall be a landing not less than twenty-four inches (24") square at the head and foot of each stairway; in every case there shall be a passageway between the string of the stairway and the wall of the building or the outer rail of the balcony, as the case may be, such passageway not to be less than fourteen inches (14") wide in every part; the stairway opening on such platform shall not be less than twenty-one inches (21") wide and forty-two inches (42") long, and such opening shall have no covers of any kind.

43. The floors of all fire-escape balconies on all tenement-houses shall be of wrought-iron or steel slats, not less than one and one-half inches by three-eighths of an inch ($1\frac{1}{2}'' \times \frac{3}{8}''$), placed not more than one and one-quarter inches ($1\frac{1}{4}''$) apart and well secured and riveted to iron battens, one and one-half inches by three-eighths of an inch ($1\frac{1}{2}'' \times \frac{3}{8}''$), not over two feet (2' 0") apart; the ends of such floor slats shall rest upon the platform frame, but shall not be riveted or bolted to same; the battens shall also rest upon and be riveted or bolted to frame of balcony; said frame to consist of angle-iron not less than two and one-half inches by two and one-half inches by three-sixteenths of an inch ($2\frac{1}{2}'' \times 2\frac{1}{2}'' \times 3\text{-}\frac{1}{16}''$) thick and to extend around the four (4) sides of the balcony floor; to rest upon brackets and be secured to same by rivets or bolts and be riveted at corners; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds (80 lbs.) per square foot, utilizing a ratio of four (4) to one (1) between the safe working load and the ultimate strength of all parts.

44. The outside top rail of all fire-escape balconies hereafter placed on all tenement-houses shall entirely enclose the platform and in all cases shall go through the wall at each end and be properly secured by nuts and washers, at least four inches (4") square and three-

Floors.

Railings.

eighths of an inch ($\frac{3}{8}$ "') thick, or if set while the walls are being built they may go through the walls and be turned down three inches (3"); and no top rail shall be connected at angles by cast-iron; the top rail of balconies shall be one and three-quarter inches by one-half inch ($1\frac{3}{4}$ " x $\frac{1}{2}$ "") of wrought-iron or one and one-half inch ($1\frac{1}{2}$ "") angle-iron, at least three-sixteenths of an inch (3-16") thick; the bottom rails shall in no case be more than eight inches (8") above floor of balcony and shall be of one and one-half inches by three-eighths of an inch ($1\frac{1}{2}$ " x $\frac{3}{8}$ "") wrought-iron, or of one and one-half inch ($1\frac{1}{2}$ "") angle-iron at least three-sixteenths of an inch (3-16") thick, and instead of going through may be well leaded or cemented into the wall; the ends of all rails not turned down shall be worked out to not less than three-quarter inch ($\frac{3}{4}$ "") bolt size for top rails or one-half inch ($\frac{1}{2}$ "") bolt size for bottom rails, if the same go through the wall; the standard or filling-in bars shall not be less than one-half inch ($\frac{1}{2}$ "") round or square wrought-iron, well riveted to the top and bottom rails and front of platform frame where immediately adjacent to brackets and shall be so spaced as to form a secure and safe railing; the height of railings shall in no case be less than two feet and nine inches (2' 9").

Stairways.

45. The stairways of fire-escape balconies hereafter erected on tenement-houses shall be constructed and erected to fully sustain in all their parts a safe load of not less than one hundred pounds (100 lbs.) per step, utilizing a ratio of four (4) to (1) between the safe working load and the ultimate strength of all parts, with the exception of the tread, which must safely sustain at any point at said ratio a concentrated load of two hundred pounds (200 lbs.); the treads shall be not less than seven inches (7") wide and the rise of each step not more than nine inches (9"); the treads shall be flat open treads of cast-iron not less than five-eighths of an inch ($\frac{5}{8}$ "") thick, or of flat bars not over one and one-quarter inches ($1\frac{1}{4}$ "") wide or less than three-eighths of an inch ($\frac{3}{8}$ "") thick, with spaces between not more than one inch (1") or less than one-half of an inch ($\frac{1}{2}$ ""); such bars to be riveted to angle-irons of not

less than one and one-half inches ($1\frac{1}{2}$ "') in size, secured to strings, with double rivets or bolts; the stairs shall be not less than twenty inches (20") wide between inside of strings; the strings shall be not less than three-inch (3") channels of iron or steel, or other shape equally strong, and shall, at both top and bottom, rest upon and be fastened to a bracket, which shall be fastened through the wall as hereinafter provided; the stairs shall have a hand rail of not less than three-quarter inch ($\frac{3}{4}$ "') round wrought-iron rod or pipe, on each side not less than thirty inches (30") or more than forty-two inches (42") above steps at any point, and same shall be secured and well braced.

46. The brackets of all fire-escape balconies on tenement-houses shall be placed not more than four feet (4' 0") apart and be not less than three-quarters of an inch by one and one-half inches ($\frac{3}{4}$ " x $1\frac{1}{2}$ "') wrought-iron placed edgewise, or one and three-quarter inch ($1\frac{3}{4}$ "') angle-iron, one-quarter inch ($\frac{1}{4}$ "') thick, to extend across full width of balcony and be well braced at a point not less than two-thirds (2-3) of the distance from wall to end of bracket, by means of not less than three-quarters of an inch ($\frac{3}{4}$ "') square wrought-iron or one and three-quarters inch ($1\frac{3}{4}$ "') angle-iron; the ends of brackets and braces shall go through the wall and be turned down three inches (3"), or be properly secured by nuts and washers four inches (4") square and at least three-eighths of an inch ($\frac{3}{8}$ "') thick; on new buildings the brackets shall be set as the walls are being built; when brackets are put on tenement-houses already erected, the part going through the wall shall not be less than one inch (1") in diameter, with screw nuts and washers not less than five inches (5") square and one-half inch ($\frac{1}{2}$ "') thick.

47. A proper drop ladder to reach to a safe landing place below shall be required from the lower balcony of any fire-escape on any tenement-house; and when the floor of such balcony is more than sixteen feet (16' 0") above the sidewalk or ground, a suitable landing platform shall be provided; such platform shall be located not more than ten feet (10' 0") above the ground and

**Brackets
and braces.**

Drop ladder.

shall be connected with the balcony above by means of a stairway constructed as this act requires for stairways between balconies; such platform shall not be less than three feet (3' 0") in width and four feet (4' 0") long and provided with proper railings; the drop ladder to ground shall be not less than fifteen inches (15") in width, with strings not less than one-half inch by two-inch ($\frac{1}{2}'' \times 2''$) iron, and rungs not less than five-eighths of an inch ($\frac{5}{8}''$) in diameter, placed not more than twelve inches (12") apart and securely riveted through the strings; strings to be made of one (1) piece and not connected in parts by rivets or bolts; the upper end of each string to be formed into a hook by which the ladder may be secured to the frame of the balcony when in use.

Specifications
for fire-
escapes on
modern
tenements.

48. All fire-escapes hereafter constructed on wooden tenement-houses shall conform in all particulars to the provisions of this act, except as hereinafter mentioned; the rise of the steps of the stairways shall be not more than eleven inches (11"); the strings shall be not less than three-inch (3") channel bars or other shape equally strong, properly constructed, as described in paragraph forty-six (46) of this act; the brackets and top rails shall be secured by bolts through the wall; in no case shall said bolts pass through the studs of said wall, but shall be properly fastened with washers and screw-nuts, through a wrought-iron or steel plate, such plate to be not less than three inches wide by one-quarter inch ($3'' \times \frac{1}{4}''$) in thickness, and to pass across and to bear upon the entire inner faces of at least two (2) studs; the said plate shall be backed and reinforced by solid blocking as thick as the studding, firmly secured to the studs across which the plate passes; the bottom rail shall be secured in a similar manner, or by means of lag screws not less than five-eighths of an inch ($\frac{5}{8}''$) in diameter and four inches (4") long, properly screwed into bored holes in the studs or blocking secured between same, said holes to be not more than seven-sixteenths of an inch ($7\frac{1}{16}''$) in diameter and the centre of such holes not to be within one and one-quarter inches ($1\frac{1}{4}''$) of the sides of the studs or blocking.

49. Every tenement-house hereafter erected over three stories in height, shall have in the roof a fireproof bulkhead with a fireproof door to the same, and the stairs leading to it shall be the same as required or installed throughout the building and such stairs shall be kept free from incumbrance at all times and so placed as to be readily accessible to all tenants at all times.

Fireproof
bulkhead.

50. Every tenement-house now existing or hereafter erected not over three stories in height may have, in lieu of such bulkhead, a fireproof scuttle and the stairs leading to the same shall be the same as required or installed throughout the building; but in now existing tenement-houses, where such stairs are not practicable, a fixed iron ladder may be used in lieu thereof.

When scuttle
may be used.

51. No bulkhead or scuttle in any tenement-house shall at any time be locked with a key, but it may be kept fastened on the inside by movable bolts or hooks; and said door or scuttle shall not be obstructed in any way and shall be so constructed, hung or balanced as to be easily opened, and of such size as to provide an easy exit for a grown person.

Bulkhead
or scuttle
readily
opened.

52. Every tenement-house hereafter erected three or more stories in height, shall have at least one flight of stairs extending from the entrance floor to the roof, and the stairs and public halls therein shall each be at least three feet wide in the clear, and every entrance hall shall be at least three feet six inches wide in the clear; but if such entrance hall is the only entrance to more than one flight of stairs, that portion of said hall between the entrance and the first flight of stairs shall be increased one-half in width in every part for each such additional flight of stairs.

Stairs from
entrance to
roof.

53. Every non-fireproof tenement-house hereafter erected containing over twenty-six apartments or suites of rooms above the entrance story, shall have an additional flight of stairs for every additional twenty-six apartments or fraction thereof; if said house contains not more than thirty-six apartments above the entrance story in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building may each be at least one-half wider than is specified in paragraph fifty-two of this act.

When addi-
tional stair-
way.

**Additional
stairways and
entrances.**

54. Every fireproof tenement-house hereafter erected containing over thirty-six apartments or suites of rooms above the entrance story, shall also have an additional flight of stairs for every additional thirty-six apartments or fraction thereof; but if said house contains not more than forty-eight apartments above the entrance story, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building may each be at least one-half wider than is specified in paragraph fifty-two of this act; and if said house contains not more than eighty-four apartments above the entrance story, in lieu of three stairways there may be but two stairways; *provided*, that one of such stairways and the stair halls and the entrance halls connected therewith are at least one-half wider than is specified in paragraph fifty-two of this act.

Proviso.

55. Each flight of stairs mentioned in the last three paragraphs shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street; all stairs shall be constructed with a rise of not more than seven and one-half inches and with treads not less than ten inches wide and not less than three feet long in the clear; where winders are used all treads at a point eighteen inches from the strings on the well side shall be at least ten inches wide.

**Stairs from
cellar.**

56. In non-fireproof tenement-houses hereafter erected exceeding two stories in height, there shall be no inside stairs communicating between the lowest cellar or other lowest story and the floor next above, but such stairs shall be located outside the building and if enclosed shall be constructed entirely fireproof and be enclosed in a fireproof enclosure with fireproof self-closing doors at all openings; this provision, however, shall not apply to the stairs leading from the entrance story to the upper stories in tenement-houses hereafter erected, where there is no cellar or other lowest story below the said entrance story.

**Lower stairs
in fireproof
tenements.**

57. In every fireproof tenement-house hereafter erected the stairs communicating between the lowest cellar or other lowest story and the next floor above, if not located underneath the stairs leading to the upper

stories may be placed inside of the said building; *provided*, that the portion of the cellar or other lowest story into which said stairs lead is entirely shut off by fireproof walls from those portions thereof which are used for the storage of fuels, or in which heating appliances, boilers or machinery are located; all openings in such walls shall be provided with self-closing fireproof doors.

Proviso.

58. All stairs in tenement-houses shall be provided and maintained with proper banisters and railings and kept in good order.

Stairs kept
in order.

59. In non-fireproof tenement-houses hereafter erected no closet of any kind shall be constructed under any staircase leading from the first story, exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrances.

No closet
under first-
story stairs.

60. Every tenement-house hereafter erected six stories or more in height shall be made fireproof throughout.

Six-story
tenements
fireproof.

61. Every non-fireproof tenement-house hereafter erected may have stud partitions above the cellar or basement; *provided*, said stud partitions enclosing public halls on the first floor and all stair halls throughout the building shall be lathed on both sides with metal lath or approved plaster board and plastered with two coats of brown mortar of good material, and the ceiling of the cellar or other lowest story lathed and plastered in a similar manner; and when any part of the entrance floor, cellar or basement is used as a store or workshop or for the storage of combustible materials other than the fuel supply of the house, then the entire ceiling of the floor so used shall be lathed and plastered in the same manner; and the stairs shall be constructed of iron or stone, or some other approved fireproof material, or may be constructed of wood, provided that the carriages are not less than three (3) inches thick and the treads not less than one and one-quarter inches in thickness and the soffits throughout are covered with metal laths or approved plaster board and plastered with two coats of brown mortar of approved material.

Stud
partitions.

Proviso.

In case com-
bustibles are
stored.

62. In every tenement-house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building; and direct access shall also be had from the street to the yard.

External
access to
cellar.

**When wooden
furring is
used.**

63. In tenement-houses hereafter erected, in all walls where wooden furring is used, all the courses of brick, from the underside of the floor beams to the top of the same, shall project a distance of at least two inches beyond the inside face of the wall so as to provide an effective fire stop; and wherever floor beams run parallel to a wall and wooden furring is used, such beams shall always be kept at least two and one-half inches away from the inside line of the wall, and the space between the beams and the wall shall be built up solidly with brick work from the under side of the floor beams to the top of the same so as to provide an effective fire stop.

**As to
studdings.**

64. In all non-fireproof tenement-houses hereafter erected fore and aft stud partitions which rest directly over each other, shall run through the wooden floor beams and rest upon the plate of the partition below and shall have the space between the studding filled in solid to the full depth of the floor beams and to a point eight inches above said beams with approved incombustible materials; in all fireproof tenement houses hereafter erected all partitions shall rest directly upon the fireproof floor construction and extend to the fireproof beam filling above.

**Tenements
within and
without fire
limits.**

65. Within the fire limits no wooden tenement-houses shall hereafter be erected and no wooden buildings so situated and not now used as a tenement-house shall hereafter be altered or converted to such use; but outside of the fire limits frame tenement-houses not exceeding three stories in height nor more than forty feet in height, may be erected of wood; but if three stories in height they shall not provide accommodations for, or be occupied by, more than six families in all or more than two families on any floor; and if built within three feet (3' 0") of any division or party line, the side walls shall have the spaces between the studding filled in solid with brick laid in cement mortar, or other approved fireproof material, and in no case shall any such side wall if built partially or entirely of frame be used as a party wall.

**No wooden
building on
tenement-
house lot.**

66. No wooden building of any kind whatsoever, except such as are used for water-closet compartments,

shall hereafter be placed or built upon the same lot with a tenement-house, within the fire limits.

67. No wooden party fence shall be used as a part of the enclosure of an outbuilding of any kind upon the same lot with a tenement-house.

Nor wooden party fence.

68. No tenement-house, nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article, except where permitted by local ordinance and then only in the manner thereby prescribed.

No storage of combustibles.

69. No tenement-house or any part thereof, nor of the lot upon which it is situated, shall be used as a place for the keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

Storage of dangerous articles or hay, etc., forbidden.

70. When the floor forming the ceiling of the cellar or other lowest floor is not constructed fireproof, then the ceiling of the cellar or other lowest floor of all tenement-houses hereafter erected and of all now existing tenement-houses over three stories high shall be lathed and plastered two coats of brown mortar of good materials, and where any tenement-house now existing or hereafter erected is over three stories in height the plastering shall be on metal lath or approved plaster board.

As to ceilings.

71. No bakery or place of business in which fat is boiled shall be maintained in any tenement-house which is not fireproof throughout, unless the ceilings and side walls of such bakery or of the said place where fat boiling is done are made safe by fireproof materials around the same; and there shall be no openings either by door or by window, dumbwaiter, shafts or otherwise between said bakery or said place where fat is boiled in any tenement-house and any other part of the said building.

Bakeries.

72. All doors, transoms and windows opening into public halls from any portion of a tenement-house where paint, oil, spirituous liquors or drugs are stored for the purposes of sale or otherwise, shall be removed and closed up as solidly as the rest of the wall.

When doors, windows, etc., walled up.

Shafts.

73. All shafts hereafter constructed in tenement-houses shall be constructed fireproof throughout, with fireproof self-closing doors at all openings, at each story, except window openings in vent shafts; and if they extend to the cellar shall also be enclosed in the cellar with fireproof walls and fireproof self-closing doors at all openings; in no case shall any shaft be constructed of materials in which any inflammable material or substance enters into any of the component parts; but nothing in this paragraph contained shall be so construed as to require such enclosures about elevators or dumbwaiters in the well hole of stairs, where the stairs themselves are enclosed in brick or stone walls and are entirely constructed of fireproof materials.

Wainscoting.

74. When wainscoting is hereafter placed in any tenement-house or any building in process of alteration into a tenement-house, the surface of the wall or partition behind such wainscoting shall be plastered down to the floor line, and any intervening space between said plastering and said wainscot shall be filled in solid with incombustible material.

Timber in
party walls
separate.

75. All wood beams and other timbers in the party walls of any tenement-house hereafter erected shall be separated from the beams or timbers entering from the opposite side of the wall by at least four inches.

Beams about
flues and
chimneys.

76. In all tenement-houses hereafter erected all wood beams shall be framed away from all flues and chimneys, whether the same be for smoke, air or any other purpose; the trimmer beams shall not be less than eight inches from the inside face of a flue and four inches from the outside of a chimney breast and the header beams not less than two inches from the outside face of the brick or stone work of the same; except that for smoke flues of boilers and furnaces, where the brick work is required to be eight inches in thickness, the trimmer beam shall not be less than twelve inches from the inside of the flue.

Kitchen
hearth.

77. In all tenement-houses hereafter erected every kitchen in every apartment shall have a hearth not less than four feet by three feet in size, and, where possible, said hearth shall be supported by a brick trimmer arch and may be finished in cement, concrete or stone, but

where such construction is not possible, then the hearth may be constructed in the following manner: beams shall be framed around the location for such hearth and shall have cleats not less than four inches in depth, well spiked to them and the space floored over with not less than one and one-half inch matched plank; two inches above such planking, one-half inch iron rods shall be placed not over eight inches on centers and shall be carried across the opening and through the enclosing beams and securely fastened with nuts and washers; the space thus left shall be filled with not less than four inches of concrete and surfaced one inch thick.

78. In all tenement-houses now existing or hereafter erected no kitchen range shall be placed against a furred wall or stud partition; or if placed within ten inches of said wall or partition, then the wall or partition must be protected by the owner with metal, from the floor to a point one foot above the top of said range and said kitchen range shall rest entirely upon the hearth, or upon metal legs if there is no hearth, and shall be provided with a metal shield extending under and at least twelve inches in front of the ashpan.

79. All stoves for heating purposes in tenement-houses shall be properly supported on iron legs, resting on the floor at least two feet from any lath and plaster or wood work other than said floor; a metal shield shall be placed under and twelve inches in front of the ashpan of all such stoves that are placed on wooden floors.

80. In every tenement-house there shall be adequate chimneys running to every floor with an open fireplace or grate, or place for stoves, properly connected with one of said chimneys for every apartment, but no chimney shall be started or built upon any floor or beam of wood and in no case shall a chimney be corbeiled out more than eight inches from the wall; and in all cases corbeiling shall consist of at least five courses of brick; but no corbeiling more than four inches shall be allowed in eight-inch brick walls; all chimneys shall be carried not less than four feet above the roof.

81. In all tenement-houses hereafter erected all smoke-flues shall be lined on the inside with well burned clay or terra-cotta pipe, made smooth on the inside, car-

Placing of
kitchen range.

Stoves.

Chimneys.

Corbeiling.

Lining of
smoke-flues.

ried from the bottom of the flue or from the throat of the fireplace, if the flue starts from the latter, and carried up continuously to the full height of the flue; the ends of all such lining pipes shall be made to fit close together and the pipes shall be built in as the flue or flues are carried up; each smoke-flue shall be enclosed on all sides with not less than four inches of brick work and shall have an area of not less than thirty-six square inches.

**Flues liable
to high tem-
perature.**

82. In all tenement-houses hereafter erected all flues which, for any reason, are liable to be heated to high temperatures or to become dangerous in any way, shall be surrounded on all exposed sides by not less than eight inches of brick work and such other precautions as the board may determine.

**Flues passing
through lath
and plaster
protected.**

83. In every tenement-house now existing or hereafter erected where smoke-pipes pass through a lath and plaster or other partition, they shall be guarded by galvanized iron ventilated thimbles at least twelve inches larger in diameter than the pipe; no smoke-pipe will be permitted to pass through any roof.

Firebacks.

84. In all tenement-houses hereafter erected the firebacks of all fireplaces shall be of solid masonry not less than eight inches in thickness.

**Party walls to
extend above
roof.**

85. In all tenement-houses hereafter erected all division or party line walls over fifteen feet high, shall be carried up to form parapet walls not less than eight inches in thickness and to a point not less than two feet above the roof; all such walls shall be coped with stone, terra-cotta or cast-iron.

**Doors open
outward.**

86. In all tenement-houses hereafter erected all doors placed across public halls, except entrance doors, shall be hung so as to open outward.

**Stud
partitions
plastered.**

87. All stud partitions hereafter constructed in any tenement-house shall be plastered from the floor to the ceiling.

ARTICLE III.

Section I.

**Portion of lot
occupied.**

88. No tenement-house hereafter erected shall occupy more than ninety per centum of a corner lot, or more

than seventy per centum of any other lot; *provided*, that the space occupied by fire-escapes of the size hereinbefore prescribed shall not be deemed a part of the lot occupied.

Proviso.

89. For the purposes of the immediately preceding paragraph, the measurements shall be taken at the ground level, except that where such a building has no basement and the cellar ceiling is not more than three feet above the curb level, the measurements as to the percentage of a lot occupied may be taken at the level of the second tier of beams.

Measurement,
where taken.

90. The height of a tenement-house hereafter erected shall not by more than one-half exceed the width of the widest street on which it stands; such height shall be the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams; *provided*, that where there are bulkheads exceeding ten feet in height or exceeding in area ten per centum of the area of the roof, the measurements shall be taken to the top of the bulkhead; but this shall not apply to elevator enclosures not exceeding fifteen feet in height; the measurements in all cases shall be taken through the center of the facade of the house.

Height.

Proviso.

91. Behind every tenement-house hereafter erected there shall be a yard extending across the entire width of the lot, and except upon a corner lot, at every point open from the ground to the sky unobstructed, except that fire-escapes or unenclosed outside stairs may project not over five feet from the rear line of the house; the depth of the said yard measured from the extreme rear wall of the house to the rear line of the lot, shall be as set forth in the two following paragraphs of this act.

Rear yard.

92. Except upon a corner lot, the depth of the yard behind every tenement-house hereafter erected fifty feet in height shall be not less than sixteen feet in every part; said yard shall be increased in depth one foot for every additional twelve feet of height of the building or fraction thereof above fifty feet; and may be decreased in depth one foot for every twelve feet of height of the building, less than fifty feet; but it shall never be less than fourteen feet in depth in any part.

Size of yard.

Minimum depth.

Proviso.

93. The depth of the yard behind every tenement-house hereafter erected upon a corner lot, shall not be less than ten feet in every part; *provided*, that where such lot is less than one hundred feet in depth, the depth of the yard may be not less than ten per centum of the depth of such lot, but shall never be less than five feet in every part; where a tenement-house hereafter erected upon a corner lot has no basement and the cellar ceiling is not more than three feet above the curb level, said yard may start at the level of the second tier of beams; where a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet, shall conform to the provisions of this act relating to interior lots.

Yard space for tenements on lots extending from street to street.

94. Wherever a tenement-house hereafter erected is upon a lot which runs through from one street to another street, and said lot is not less than seventy feet nor more than one hundred feet in depth, there shall be a yard space through the center of the lot midway between the two streets, which shall extend across the full width of the lot and shall not be less than sixteen feet in depth from wall to wall; but where such building has no basement and the cellar ceiling is not more than three feet above the curb level such yard space may start at the level of the second tier of beams; where such lot is over one hundred feet in depth such yard space shall conform to the provisions of paragraph one hundred and five of this act, for inner courts, and shall be left through the center of the lot midway between the two streets, and shall extend across the entire width of the lot; where a single tenement-house hereafter erected is situated on a lot formed by the intersection of two streets at an acute angle, the yard of said house need not extend across the entire width of the lot; *provided*, that it extends to a point in line with the middle line of the lot.

Proviso.

Courts unobstructed.

Proviso.

95. No court of a tenement-house hereafter erected shall be covered by a roof or skylight, but every such court shall be, at every point open to the sky, unobstructed; *provided*, that an apartment not containing any room fronting upon the street or yard shall have a fire-escape in a court, projecting not more than four feet from the house; such fire-escape shall directly connect at

the bottom of such court, with a fireproof passageway, not less than three feet wide and seven feet high, leading in a straight and direct line to the street.

96. In every tenement-house hereafter erected exceeding four stories in height, where one side of an outer court is situated on the lot line, the width of the said court, measured from the lot line to the opposite wall of the building, shall not be less than two feet eight inches in any part; wherever an outer court so situated exceeds sixty-five feet in depth and does not extend from the street to the yard, the entire court shall be increased in width one foot for every additional thirty feet or fraction thereof in excess of sixty-five feet.

Width of
court in
five-story
tenements.

97. In every tenement-house hereafter erected not exceeding four stories in height, which is also not occupied or arranged to be occupied by more than eight families in all, or by more than two families on any floor, and in which, also, each apartment extends through from the street to the yard, the width of an outer court situated on the lot line shall be at least two feet eight inches running parallel with wall; and where such court exceeds thirty-six feet in depth, the width of such court shall be increased six inches for every fifteen feet or fraction thereof that said court exceeds thirty-six feet in depth, but where such tenement-house is occupied or arranged to be occupied by more than eight families in all, or by more than two families on any floor, and in which the apartments do not extend through from the street to the yard, the width of an outer court situated on the lot line shall be regulated by paragraph ninety-six of this act.

Width of
court in tene-
ments not
exceeding
four stories.

98. In every tenement-house hereafter erected exceeding four stories in height, where an outer court is situated between wings or parts of the same building, or between different buildings on the same lot, the width of the said court, measured from wall to wall, shall not be less than four feet running parallel with wall; wherever an outer court so situated exceeds sixty-five feet in depth, the entire court shall be increased in width two feet in every additional thirty feet or fraction thereof.

Width of
outer court
when tene-
ment over
four stories.

99. In every tenement-house hereafter erected not exceeding four stories in height, and which also is not

When not
exceeding
four stories.

occupied or arranged to be occupied by more than eight families in all, or by more than two families on a floor, and in which also each apartment extends through from the street to the yard, the width of an outer court situated between wings or parts of the same building, or between different buildings on the same lot, measured from wall to wall, shall not be less than four feet running parallel with wall; where such court extends thirty-six feet in depth its width shall be increased six inches for every fifteen feet or fraction thereof that said court exceeds thirty-six feet in depth; but where such tenement-house is occupied by more than eight families in all, or by more than two families on any floor, and in which the apartments do not extend through from the street to the yard, the width of an outer court situated between wings or parts of the same buildings, or between different buildings on the same lot, shall be regulated by paragraph ninety-seven of this act.

Light in outer courts.

100. Wherever an outer court in any tenement-house hereafter erected changes its initial horizontal direction, or wherever any part of such court extends in a direction so as not to receive direct light from the street or yard, the length of such portion of said court shall never exceed the width of said portion; such length to be measured from the point at which the change of direction commences.

Depth may equal width.

101. Wherever an outer court of any tenement-house is less in depth than the minimum width prescribed by this act, then its width may be equal to, but not less than, its depth; *provided*, that such width is not less than three and one-half feet in the clear; this exception shall also apply to each off-set or recess in outer courts, and no windows, except windows of water-closet compartments, bath-rooms or halls shall open upon any off-set or recess less than two feet eight inches.

Inner court on lot line in tenements exceeding four stories.

102. In every tenement-house hereafter erected exceeding four stories in height, where one side of an inner court is situated on the lot line, the width of said court, measured from the lot line to the opposite wall of said building, shall not be less than six feet from lot line to parallel wall, in any part, or its horizontal dimensions shall not be less than twelve feet in any part; but for

every twelve feet of increase or fraction thereof in the height of said building above fifty feet, such width shall be increased six inches throughout the entire height of said court, and the other horizontal dimension shall be increased one foot throughout the entire height of said court; and for twelve feet of decrease in the height of said building below fifty feet, such width may be decreased six inches and the other horizontal dimensions may be decreased one foot.

103. In every four-story tenement-house hereafter erected the size of an inner court situated on the lot line shall be as prescribed by paragraph one hundred and two of this act; *provided*, that where such tenement-house is not occupied by more than eight families in all, or by more than two families on any floor, and in which each apartment extends through from the street to the yard, the width of such court may be decreased, but shall not be less than four feet in any part, and its other horizontal dimensions shall not be less than ten feet in any part.

Size of inner court.

Proviso.

104. In every tenement-house hereafter erected not exceeding three stories in height the width of an inner court situated on the lot line shall not be less than eight feet in any part and its other horizontal dimension shall not be less than fourteen feet in any part; where such building is not occupied or arranged to be occupied by more than six families in all or by more than two families on any floor a portion of such court may be occupied by a water-closet extension not greater than four feet in width or seven feet in length; such extension shall have no window facing an opposite building and the court between such extension and the lot line shall never be less than three feet six inches in width; *provided*, that where such an inner court adjoins throughout its entire length an existing inner court not less than four feet wide in any part measured from its lot line to the wall the width of said court, so adjoining an existing inner court, may be decreased, but shall not be less than four feet in any part measured from the lot line to the wall, or eight feet in any part measured between walls forming such court; an adjoining court in process of erection at the same time may be deemed an existing court; but nothing in this paragraph shall

Width of inner court in tenements not exceeding three stories.

Proviso.

be construed to permit a water-closet or any other extension to occupy any portion of such a court which shall measure less than eight feet from the lot line to the wall.

Inner court
not on line of
tenement
exceeding
four stories.

105. In every tenement-house hereafter erected exceeding four stories in height, where an inner court is not situated upon the lot line, but is enclosed on all four sides, the least horizontal dimension of the said court shall be not less than twenty-four feet, but for every twelve feet of increase or fraction thereof in the height of such building above fifty feet, the said court shall be increased one foot in each horizontal dimension, throughout the entire height of said court, and for every twelve feet of decrease in the height of said building below fifty feet, each horizontal dimension of the said court may be decreased one foot.

Size of inner
court enclosed
on all sides.

106. In every four-story tenement-house hereafter erected the size of an inner court not situated on the lot line, but enclosed on all four sides, shall be as prescribed by paragraph one hundred and five of this act; *provided*, that where such tenement-house is not occupied or arranged to be occupied by more than eight families in all, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, the size of such court may be decreased, but its least dimensions shall not be less than fourteen feet in any part.

Size of inner
court of tene-
ment not
exceeding
three stories.

Proviso.

107. In every tenement-house hereafter erected not exceeding three stories in height, the least dimension of an inner court shall not be less than fourteen feet in any part; *provided*, that where such tenement-house is not occupied or arranged to be occupied by more than six families in all, or by more than two families on any floor, and in which each apartment extends through from the street to the yard, the size of such court may be decreased, but its width shall not be less than eight feet in any part and its other horizontal dimensions shall not be less than fourteen feet.

Intakes in
inner courts.

108. In every tenement-house hereafter erected every inner court shall be provided with one or more horizontal intakes at the bottom; such intakes shall always communicate directly with the street or yard, and shall

consist of a passageway not less than three feet wide and seven feet high, which shall be left open; there shall always be provided in said passageway open grills, or transoms of a size not less than five square feet each, and such open grills or transoms shall never be covered over by glass or in any other way; there shall be at least two such grills or transoms in each such passageway, one at the inner court and the other at the street or yard, as the case may be.

109. In tenement-houses where the inner courts are not less than ten feet wide in any part, offsets and recesses will be permitted, but when the depth of such offset or recess is less than the minimum width prescribed, then the width of said offset or recess may be equal to but not less than its depth; *provided*, that such width is never less than four feet in the clear; and no window except the windows of water-closet compartments, bathrooms or halls, shall open upon any offset or recess less than six feet in width.

110. Nothing contained in the foregoing paragraphs concerning outer and inner courts shall be construed as preventing windows at the angles of said courts; *provided*, that the running length of the wall containing such windows does not exceed six feet; except that in outer courts or in inner courts of a less size than the minimum prescribed for tenement-houses fifty feet in height, the running length of the wall containing windows in the angle of said courts, shall not exceed four feet; nothing in this paragraph shall be construed so as to permit the reduction of any inner court by cutting off the corners thereof, when such court is less than eight feet in width measured from the lot line to the opposite wall of the building.

111. In any tenement-house hereafter erected or now existing where each apartment extends through from the street to the yard, no clothes, bedding or similar articles shall be hung or exposed in any court for drying or airing or any purpose.

112. No separate tenement-house shall hereafter be erected upon the rear of any lot where there is a tenement-house on the front of said lot, nor upon the front

Offsets in
inner courts.

Proviso.

Windows on
courts.

Proviso.

Clothes and
bedding not
aired in court.

Only one
tenement to
a lot.

of any such lot upon the rear of which is a tenement-house.

Space between tenement and separate building.

113. Where any building is hereafter placed on the same lot with a tenement-house there shall be always maintained between the said buildings an open unoccupied space extending upwards from the ground, and extending across the entire width of the lot; where either building is fifty feet or more in height, such open space shall be at least twenty-four feet from wall to wall; and for every twelve feet of increase or fraction thereof in the height of such building above fifty feet, such open space shall be increased one foot in depth throughout its entire width, and for every twelve feet of decrease in the height of such building below fifty feet the depth of such open space may be decreased one foot; and no building of any kind shall be hereafter placed upon the same lot as a tenement-house, so as to decrease the minimum size of courts or yards as prescribed by this act; and if any tenement-house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this act, and in addition the space between the said buildings and the said tenement-house shall be of such size and arranged in such manner as is prescribed in this paragraph, the height of the highest building on the lot to regulate the dimension; and the use to which such other building is put shall not be detrimental to the health or safety of the occupants of said tenement-house and shall be subject to the written approval of the board.

Erection of tenement on lot already occupied.

Room windows.

114. In every tenement-house hereafter erected every room, except water-closet compartments and bathrooms, shall have at least one window opening directly upon the street or upon a yard or court of the minimum dimensions specified in this act, and such windows shall be so located as to properly light all portions of such rooms; whenever a room in such tenement-house opens upon an inner court less than ten feet wide, measured from the lot line to the opposite wall of the building, such room shall be properly provided with a sash window, communicating with another room in the same apartment, such window to contain not less than ten square feet of glazed surface, and to be made so as to readily open.

115. In every tenement-house hereafter erected, the total window area in each room, except water-closet compartments and bathrooms, shall be at least one-tenth of the superficial area of the room, and the top at least of one window shall not be less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width; no such window shall be less than twelve square feet in area, between the stop beads.

Window area.

116. In every tenement-house hereafter erected, the total window area in a water-closet compartment or bathroom shall not be less than three-square feet and no such window shall be less than one foot in width, measuring between stop beads; in every tenement-house hereafter erected all rooms, except water-closet compartments and bathrooms, shall be of the following minimum sizes: in each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area; each other room shall contain at least seventy square feet of floor area; each room shall be, in every part, not less than nine feet high from the finished floor to the finished ceiling; *provided*, that an attic room need be nine feet high in but half of its area.

Window area in closets and bathroom.

117. All alcove rooms in tenement-houses must conform to all the requirements for other rooms.

Alcove rooms.

118. In every tenement-house hereafter erected which is occupied, or arranged to be occupied, by more than two families on any floor, or which exceeds four stories in height, every public hall shall have at least one window opening directly upon the street or upon a yard or court; either such window shall be at the end of said hall, with the plane of the window at right angles to the axis of said hall, or there shall be at least one window opening directly upon the street, or upon a yard or court, in every twenty feet in length or fraction thereof of said hall; but this provision for a window in every twenty feet of hallway shall not apply to that portion of the entrance hall between the entrance and the first flight of stairs; *provided*, that the entrance door contains not less than five square feet of glazed surface; in every public hall in such tenement-house recesses or returns, the length of which does not exceed twice their width,

Hall windows.

Proviso.

Separate
halls.

will be permitted without an additional window; but wherever the length of such recess or return exceeds twice its width, the above provisions in reference to one window in every twenty feet of hallway shall be applied; any part of a hallway which is shut off from any other part of said hall by a door or doors shall be deemed a separate hall, within the meaning of this paragraph; in every tenement-house hereafter erected where the public hall is not provided with a window opening directly to the outer air as above provided, there shall be a stair well not less than twelve inches wide in the clear, extending from the entrance floor to the roof, and all doors leading from such public halls shall be provided with translucent glass panels having an area of not less than five square feet for each door and also with fixed transoms of translucent glass over each door.

Measurement
of window.

119. In every tenement-house hereafter erected one, at least, of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between the stop beads.

Area of hall
windows.

120. In every tenement-house hereafter erected the aggregate area of windows to light or ventilate stair halls shall be at least eighteen square feet for each floor; there shall be provided for each story at least one of said windows, which shall be at least two and a half feet wide and five feet high, measured between the stop beads; a sash door shall be deemed the equivalent of a window in paragraphs one hundred and eighteen, one hundred and nineteen and one hundred and twenty of this act; *provided*, that such door contains the amount of glazed surface prescribed for such windows.

Proviso.

Access to
water-closet.

121. In every apartment of three or more rooms in a tenement-house hereafter erected, access to every living room and bedroom and to at least one water-closet compartment, shall be had without passing through any bedroom.

Living-room
must have a
window.

122. No room in a now existing tenement shall hereafter be occupied for living purposes unless it shall have a window on the street, or upon a yard not less than four feet deep, or upon a court or shaft of not less than twenty-five square feet in area, open to the sky

without roof or skylight; *provided, however*, that such room may be occupied for living purposes if it has a sash window opening into an adjoining room in the same apartment, which latter room either opens directly upon the street or on a yard of the above dimensions, or itself connects directly by a similar window with such outer room; said sash window shall be at least three feet by five feet between stop beads and both halves shall be made so as to open readily; where it is not possible to construct a window of this width, then such window may be of such size as may be prescribed by the board, but such window shall never contain less than twelve feet of glazed surface; an alcove opening of no less dimensions than the said sash window, in addition to the usual door opening shall be deemed its equivalent.

Proviso.

When board
to prescribe
size of
windows.

123. In every now existing tenement-house, four stories or more in height, whenever a public hall on any floor is not light enough in the daytime to permit a person to read in every part thereof, without the aid of artificial light, the wooden panels in the doors located on the public halls and opening directly into rooms, shall be removed and ground glass or other translucent glass of an aggregate area of not less than five square feet for each door shall be substituted; or in lieu of removing panels from the doors a fixed sash window of ground glass or other translucent glass of an area of not less than five square feet, may be cut into partitions separating the said hall from rooms which open directly upon the street or upon a yard, court or shaft of dimensions specified in the last paragraph; or said public hall may be lighted by a window or windows at the end thereof, with the plane of the window at right angles to the axis of said hall, said windows opening upon the street or upon a yard, court or shaft of said dimensions.

Sufficient
daylight for
reading.

124. In every tenement-house hereafter erected there shall, be in the roof directly over the stair well, a ventilating skylight constructed of metal and provided with ridge ventilators having a minimum opening of forty square inches; or such skylight shall be provided with fixed or movable louvres; the glazed roof of such skylight shall not be less than twenty square feet in

Skylight
ventilator.

LAWS, SESSION OF 1904.

area; where the stairs and public halls are not provided with windows on each floor opening directly to the outer air, the skylights shall be provided with such ridge ventilators and also with fixed or movable louvres or with movable sashes.

Existing tenements to put in skylight ventilator.

125. In every now existing tenement-house over two stories in height, where no skylight or bulkhead with glazed sash is found over the stair well, or in which the stair halls do not have windows opening directly to the outer air, there shall be a ventilating skylight constructed in the roof, directly over the stair well, as specified in the preceding paragraph; in every such tenement-house where an existing skylight or glazed bulkhead does not provide sufficient light and ventilation, then the board shall require such skylight or such bulkhead to be altered or enlarged so as to provide such proper light and ventilation.

126. In every tenement-house now existing or hereafter erected a proper light shall be kept burning by the owner, in the public hallways, near the stairs, upon the entrance floor; and in every tenement-house, over two stories high, such a light shall also be kept burning upon the second floor above the entrance floor of such house every night, throughout the entire year, and upon all other floors of such tenement-house from sunset each day until ten o'clock each evening; where the public halls and stairs are not provided with windows opening directly to the street or yard, and such halls and stairs are, in the opinion of the board, not sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway near the stairs upon each floor as may be necessary, from sunrise to sunset, and all such lights shall be so arranged as to effectually guard against fire.

Vent-shafts; size, etc.

127. Every vent-shaft hereafter constructed in a tenement-house shall be at least nine square feet in area, and the least dimension of such shaft shall not be less than three feet; and if the building be above fifty feet in height, such shaft shall, throughout its entire height, be increased in area three square feet for each additional twelve feet in height or fraction thereof; and for each twelve feet of height less than fifty feet, such shaft may

be decreased in area three square feet; a vent-shaft may be enclosed on all four sides, but it shall not be roofed or covered over in any way; every such shaft shall be provided with a horizontal intake or duct at the bottom, communicating with the street or yard or with a court; such duct or intake to be not less than four square feet in total area and to be arranged so as to be easily cleaned out.

128. Where any vent-shaft in any now existing tenement-house is roofed or covered over in any way, such roof or other covering shall be completely removed or made to conform with such requirements as the board may find necessary to secure ample ventilation.

Existing
shafts un-
covered.

129. No vent-shaft in any tenement-house now existing or hereafter erected shall be used as a place of storage for any articles of any kind whatsoever, nor shall it be obstructed by any shelf or other similar contrivance.

Vent-shaft
unobstructed.

130. In any now existing tenement-house no room in the basement or cellar shall be occupied for living purposes without a written permit from the board, and such permit shall be kept readily accessible in the main living room of the apartment containing such room and may be canceled at any time by the board or by the local board of health having jurisdiction; but no such permit shall be granted unless such room shall have at least one window opening on a street, court or yard not less than four feet wide, and such room shall have sufficient light, shall be well drained and dry, and shall, in the opinion of the board, be fit for human habitation; and the ceiling of such room shall be in every part not less than seven feet high, and not less than four feet above the ground outside; there shall be, outside of and adjoining such room and extending along the entire frontage of the same, an open area which shall be at least two feet and six inches in its least dimensions, unless such room extends for more than one-half of its height above the curb level; such area shall be well and effectually drained.

Living in
cellar or
basement.

131. In tenement-houses hereafter erected no room in the cellar or in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with:

Requirements
for living-
rooms in
cellar or
basement.

- Size.** I. Such room shall be at least eight feet and six inches high in every part, from the floor to the ceiling; *provided*, that in buildings already erected and not now used as a tenement-house, but hereafter altered or converted to such use, such room shall not be less than eight feet in every part, from the floor to the ceiling;
- Proviso.** II. The ceiling of such room shall be at least five feet above the surface of the street or ground outside of or adjoining the same;
- Ceiling.** III. There shall be, appurtenant to such room, the use of a separate water-closet;
- Water-closet.** IV. Such room shall have a window or windows opening upon the street or upon a yard or court; the total area of windows in such room shall be at least one-eighth of the superficial area of the room, and one-half of the sash shall be made to open full width; and the top of each window shall be within six inches of the ceiling.
- Construction of lowest floor.** 132. In every tenement-house now existing or hereafter erected the floor of the entire cellar or other lowest floor below or on grade shall be finished with concrete, asphalt or other similar material approved by the board; all new floors if laid with concrete shall not be less than four inches thick and finished with one inch of cement surfacing; and every tenement house hereafter erected on any lot which is damp, or which is affected by tide-water or the drainage of surface water from other properties, shall have all walls below ground level cemented at least one-half an inch thick and given a coat of asphalt.
- Walls and ceilings a light color.** 133. In every tenement-house hereafter erected or now existing the cellar walls and ceilings shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained; such whitewash or paint shall be renewed whenever necessary, as may be required by the board.
- Bottom of shafts, courts, etc.** 134. In every tenement-house hereafter erected the bottom of all shafts, courts, areas and yards which extend to the basement for light or ventilation of living rooms, shall be six inches below the floor level of the part so occupied or intended to be occupied, and the bottom of all vent-shafts and inner courts in such building shall be paved with flagstones, cement or asphalt, or similar substance.

135. In every tenement-house now existing or hereafter erected all shafts, courts, areas and yards shall be properly graded and drained and connected with the street sewer where such connection be possible and permitted by local ordinances; and when required by the board shall be paved with stone, cement, or asphalt or other approved material.

Shafts, etc.,
connected
with sewer.

136. In every tenement-house now existing or hereafter erected there shall be, at the bottom of every shaft and inner court a door giving sufficient access to such shaft or court as to enable it to be properly cleaned out; in shafts or courts of a less size than prescribed by this act for tenement-houses hereafter erected, such doors shall be fireproof and self-closing; *provided*, that where there is already a window or door in a now existing tenement-house, giving proper access to such shaft or court, such window or door shall be deemed sufficient.

Entrance to
shaft and
court.

137. In every tenement-house now existing or hereafter erected the walls of all yards, courts, inner courts and shafts, unless built of a light color brick or stone, shall be thoroughly whitewashed or shall be painted a light color by the owner and shall be so maintained; such whitewash or paint shall be renewed whenever necessary, as may be required by the board.

Walls of
yards, courts,
etc., a light
color.

138. Every tenement-house and every part thereof, shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in yards, courts, passages, areas or alleys, connected with the same or belonging to the same; the owner of every tenement-house or part thereof shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs and all other parts of said tenement-house, or part of a house of which he is the owner, to the satisfaction of the board and shall maintain the said parts of the house in a clean condition at all times; no person shall place filth, urine or fecal matter in any place in a tenement-house other than that place provided for the same, or keep filth, urine or fecal matter in his apartment or upon his premises such length of time as to become a nuisance.

Cleanliness
and sanitary
conditions.

Wall paper.

139. No wall paper shall be placed upon any wall or ceiling of any tenement-house unless all old wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

Not lodging-
house or
stable.

140. No tenement-house nor any part thereof shall be used for a lodging-house or for the storage or handling of rags; within the fire limits no horse, cow, calf, swine, sheep or goat shall be kept in any tenement-house or on the lot upon which such tenement-house is erected; but outside said fire limits animals may be housed on such lot; *provided*, they are housed at least forty feet distant from any tenement-house and that such housing is not detrimental to health, in the opinion of the board and that such housing is constructed and maintained in such manner as the board may require.

Proviso.

141. In any tenement-house in which the owner thereof does not reside and which is occupied by or arranged to be occupied by more than six families, there shall be a janitor, housekeeper or some other responsible person, who shall reside in said house and who shall have charge of the same, if the board shall so require.

Air per
inmate.

142. No room in any tenement-house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air to each adult, and two hundred cubic feet of air to each child under twelve years of age, occupying such room.

Air-space
beneath
tenement.

143. In every tenement-house hereafter erected where there is no cellar or basement, and having an air-space underneath, such air-space shall be at least two feet in height, extending over its entire area, and the surface of the ground under any such air-space shall be waterproof; and said air space shall be enclosed in brick walls, provided with iron grills, set in front and rear walls for ventilation, the apertures shall be one inch square and shall not be less than six in number; there shall also be provided an outside door, opening to such air-space, not less than eighteen inches square; said opening shall be securely closed with a proper door, which shall be kept locked at all times; and the floor above any such air-space shall be laid with a double flooring of matched boards, with a layer of heavy three-

ply building paper or felt between the under and the upper floors, the upper floor to be laid at an angle not less than forty-five degrees with the lower floor.

Section 2.

144. Every tenement-house hereafter erected or now existing and all the parts thereof, shall be placed and maintained in good repair and the roofs shall be kept so as not to leak; and all rain-water shall be so drained and conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, ceilings, yards or areas.

Maintenance.

145. Every tenement-house hereafter erected shall comply with all local ordinances regulating the construction of buildings and shall further comply with all the following regulations where they are supplementary to said local ordinances or where local ordinances do not exist.

Rain-water.

146. In every tenement-house hereafter erected all materials and workmanship used therein shall be of good quality and said building shall be constructed in all its parts in a strong and substantial manner; all footing for foundation walls, chimneys or piers, and all bearing walls or bearing partitions, shall be constructed of such size and in such a manner as to safely sustain the loads to be imposed; where used in the construction or repair of any tenement-house or any part thereof, the following materials shall be of such character and used in such manner as hereinafter specified:

Compliance with local ordinances.

I. All brick shall be good, hard, well-burned brick; when old bricks are used they shall be thoroughly cleaned before being used and they shall be whole, good, hard, well-burned bricks;

Quality of materials and workmanship.

II. All sand used for mortar shall be clean, sharp, grit sand, free from all loam or dirt;

Bricks.

III. Lime mortar shall be made of one part of lime and not more than four parts of sand; all lime used for mortar shall be thoroughly burned, of good quality and properly slaked before it is mixed with the sand;

Sand.

IV. Cement mortar shall be made with cement and sand in the proportion of one part of cement and not

Lime mortar.

Cement mortar.

more than three parts of sand and shall be used immediately after being mixed; the cement and sand are to be measured accurately and thoroughly mixed before adding water; the cement must be very finely ground and free from lumps;

Use of.

V. All walls laid below grade, all chimneys, parapet walls or walls exposed on both sides and the walls of all vaults and cesspools shall be laid in cement mortar;

Concrete.

VI. All concrete shall be made of at least one part of cement to three parts of sand and five parts broken stone, sharp gravel or hard clinkers;

**Surfacing
concrete with
cement.**

VII. Where concrete is used for cellar bottoms or the bottoms of areas, shafts or courts, and is surfaced with cement, said surfacing shall be not less than one inch thick and composed of not less than one part of cement to two parts of sand.

Lumber.

I47. All timbers and wood beams used in the construction or repair of any tenement-house shall be of good, sound material, free from rot, large or loose knots, shakes or any other imperfection whereby the strength of such timber or wood beams may be impaired and shall be of such size, strength and dimensions as the purpose for which they are used shall require.

Foundation.

I48. No foundation wall of any tenement-house hereafter erected shall be less than twelve inches in thickness, if built of brick, or less than eighteen inches if built of stone, excepting only that frame tenement-houses not more than two stories high may have brick foundation walls eight inches thick above grade, for a height not exceeding two feet and six inches.

**Vault and
privy walls.**

I49. The walls of all areas, vaults and privies appertaining to any tenement-house may be considered as retaining walls and shall then be not less in thickness than one-quarter of their height.

**Sewer con-
nection.**

I50. Where sewers are found in any street upon which it is proposed to erect a tenement-house, the cellar of such house shall be connected to the sewer, if permitted by local ordinances, before the walls are carried above the first tier of beams; and if no sewer is found in such street, then the owner shall make provision to prevent water accumulating and remaining in the cellar more than twenty-four hours.

151. No timber shall be used in any wall of any tenement-house where stone, brick or iron is commonly used; and no walls shall be carried upon a permanent timber support.

When timber
not used.

152. Floor beams hereafter used in the construction or repair of any tenement-house shall be so proportioned that the deflection shall not be greater than one three-hundred-and-sixtieth of the span and they shall be doubled under all partitions.

Floor beams.

153. All wooden trimmer and header beams hereafter placed in any tenement-house shall be at least double the thickness of other floor beams.

Wooden
trimmer and
header beams.

154. Every wooden beam resting upon a brick wall hereafter placed in any tenement-house shall have a bearing of at least four inches; and such wooden beams shall have the ends so resting cut to a bevel of three inches on their depth.

Bearing of
wooden
beams.

155. All wooden floor beams and roof beams hereafter placed in any tenement-house shall be properly cross bridged and the distance between bridging and walls shall not exceed eight feet.

Wooden
beams
bridged.

156. No studs less than two inches by four inches, full measurement, shall hereafter be used in any tenement-house; and such studs shall be doubled around all doors and window openings.

Studs.

157. In all tenement-houses hereafter erected there shall be an air-space between the ceiling of the upper story and the roof, which air-space shall not be less than eighteen inches in every part between beams; and such space shall be properly ventilated with louvres.

Air-chamber.

158. New structural or finishing material of whatsoever nature, intended to be used in any tenement-house as a substitute for materials the use of which is permitted by this act, shall be subject to such tests, under the supervision of the board, as the board may require or direct, and a certified copy of the results of such tests shall be made and shall be placed on file with the board; and no such material shall be used in any tenement house until a written permit shall have been granted and issued by said board; and the expenses of such tests shall be paid by the persons applying for the privilege of using such material.

Tests of
materials.

Expense of
test.

ARTICLE IV.

Section I.

Separate
water-closets.

159. Every tenement-house hereafter erected or now existing shall be provided with proper water-closet accommodations for its tenants, separate and distinct from the water-closet accommodations of any other tenement-house.

Number and
location.

160. In every tenement-house hereafter erected there shall be, within each apartment of more than two rooms at least one water-closet, and where there are apartments consisting of but one or two rooms there shall be at least one water-closet for every three rooms; and said water-closet shall be located on the same floor as the rooms for the tenants of which it is intended, and shall be accessible to them from the public halls; there shall also be provided similar water-closet accommodations for any store or workshop which may be located on the premises, and such water-closet accommodations shall be separate and distinct from that provided for any apartment.

Sewer con-
nections.

161. Every now existing tenement-house shall have not less than one water-closet for every two families occupying such house; and where a sewer connection is possible and such tenement-house is over four stories in height, the said water-closets shall be placed in the building, within each apartment or opening off the public halls; and the said water-closets shall be located on the same floor as the apartments for the use of which they are intended; where such building is not over four stories in height, the water-closets may be located in the yards, provided that the yard is of such size that the structure containing the required number of water-closets shall not cover more than fifty per centum of the unoccupied area of said yard; where the yard is not of sufficient size to permit the water-closets to be so installed then the water-closets shall be placed in the house, as required for buildings over four stories high; where water-closets are so located in the yards of any now

Closets in
yard.

Prevention
against
freezing.

existing tenement-house, all traps, flush-tanks and pipes shall be effectively protected against freezing; and where or when such protection against freezing shall be found to be inadequate, the board may direct proper water-closet accommodations to be placed within the house.

162. Every water-closet in every tenement-house hereafter erected or now existing, shall be in a compartment completely separated from every other water-closet, and every such compartment hereafter constructed shall be at least two feet and four inches wide and shall have a sash window of not less than three square feet in area; such window shall be arranged so as to open readily and directly to a street, yard, court or vent shaft; the floor of every such compartment hereafter constructed, which contains, or is intended to contain, an individual water-closet, as hereinafter described, shall be made waterproof with asphalt, tile, stone or other approved waterproof material, and such waterproofing shall be carried six inches above the floor of the compartment, so that the said compartment may be washed or flushed out without leaking; where such compartments are hereafter located within a tenement-house, they shall be enclosed on all sides with plaster partitions, carried from the floor to the ceiling; and provision shall be made for lighting the said compartments at night; if fixtures for gas or electric lighting are not provided, then translucent glass panels shall be placed in the doors, said panels to have an area of not less than five square feet; where such compartments are located in the yard of any tenement-house, the structure containing such compartments shall be substantially constructed, tightly enclosed and partitioned off and the roof made water tight; such compartments shall not exceed ten feet in height, nor shall the structure containing them be used for any other purpose than for water-closet purposes; neither shall it be considered as increasing the percentage of lot occupied, nor be subject to the provisions of paragraph one hundred and thirteen of this act.

163. Nothing in this act contained shall be construed as prohibiting a general water-closet or toilet-room containing several water-closets; *provided*, that such gen-

Construction
of water-
closets.

Lighted.

When in
yard.

General
closets.

Proviso.

eral water-closet or toilet-room is supplemental to the water-closet accommodations required for the apartments.

**Privies, sinks,
etc., removed.**

164. In every now existing tenement-house where a connection with a sewer is possible, all privy vaults, school sinks, cesspools or other similar receptacles for fecal matter, urine or sewage shall, on or before the first day of January, one thousand nine hundred and five, be completely removed and the places where they were located properly disinfected and filled in under the direction of the board.

**Character of
closet, traps.
etc.**

165. Every water-closet hereafter placed in any tenement-house hereafter erected or now existing shall be an individual water-closet of durable, non-absorbent material, properly connected with the sewer and having individual traps, properly connected flush tanks of not less than five gallons capacity, and providing an ample flush of water to thoroughly cleanse the bowl; no hopper, pan, valve, plunger, offset, washout, or other water-closet having an unventilated space, or the walls of which are not thoroughly washed at each flush, shall be hereafter installed; *provided, however,* that for yard closets the long hopper type of closet may be used.

Proviso.

**Bowl not
enclosed.**

166. No water-closet bowl in any tenement-house shall be hereafter enclosed in any way; and where now existing water-closet bowls are so enclosed, such enclosure shall be removed and the space under the seat shall be left open and the floor under and around such closet shall be maintained in good order and repair by the owner, and if of wood shall be kept well painted with a light colored paint.

**When no
sewer con-
nection
possible—
cesspools, etc.**

167. In all now existing tenement-houses where sewer connections are not possible, all cesspools and privy vaults or other receptacles for fecal matter, urine or sewage of any description shall be made water tight, so as not to leak or to permit seepage of liquid matter; and the owner shall see that proper arrangements are made and maintained so that the said cesspool or privy vault shall be emptied whenever such cesspool or privy vault or other receptacle shall become filled to within one foot of the grade level; and the said owner

shall also provide fresh earth or lime or other disinfectant and have the same spread over the contents of any privy vault at least once in each week, or as often as ordered by the board; all such cesspools and privy vaults which are found to be not water tight shall be cleaned out, disinfected and filled in with fresh earth and new cesspools or privy vaults constructed in such manner and in such location as shall be approved by the board; or such cesspools and privy vaults may be rebuilt or repaired as directed by the board.

168. In any tenement-house hereafter erected cesspools will be allowed only when their use is absolutely necessary and then only when constructed as directed by the board; and no cesspool shall be permitted to be constructed within twenty-five feet of any tenement-house.

When cesspools allowable.

169. Every tenement-house hereafter erected shall have at least one sink located within each apartment and such sink shall be supplied with running water.

Sink in each apartment.

170. Every now existing tenement-house located on any street in which water mains are laid shall be properly connected to such water mains and shall have at least one sink within each apartment; *provided, however,* that in tenement-houses where a sink is now installed on each floor, in the public hall, such sinks shall be deemed sufficient.

Connection with water mains.

171. Every sink in every tenement-house hereafter erected or now existing shall be of a durable, non-absorbent material, supported on legs of a similar material, and shall not be enclosed in any way; and where such sinks are now enclosed said enclosures shall be completely removed.

Sink of durable material and open.

172. Every tenement-house hereafter erected shall be properly connected to a sewer, where a sewer is accessible, before any part of said tenement-house shall be used as a dwelling-house.

Sewer connections before occupancy.

173. Every now existing tenement-house shall be properly connected to a sewer, where a sewer is now or may be hereafter found in the street on which such tenement-house is situated.

Existing tenements must be connected.

174. Wherever a sewer can be obtained in the street upon which any tenement-house is located, by applica-

Application for sewer to be made.

tion to the municipality controlling the same, then the owner of such tenement-house shall make application for such sewer, and in case such application is refused he shall file with the board a properly certified statement of such refusal and the reasons therefor.

Private sewer.

175. Where there is no sewer in the street upon which any tenement-house is now located or may be hereafter erected, and it is possible to construct a private sewer to connect to a sewer in an adjacent street not over one hundred and fifty feet distant, such private sewer shall be constructed.

Drinking water.

176. Every tenement-house now existing or hereafter erected shall have provided, on the premises thereof, an ample supply of potable water.

Supply of running water.

177. Every tenement-house hereafter erected, and every now existing tenement-house where water mains are found or may be hereafter found in the street upon which such now existing tenement-house is situated, shall have running water supplied to every water-closet, sink and other plumbing fixtures contained in such house, and the owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water to each fixture on every floor in the said house at all times of the year, during all hours of the day and night; but a failure in the general supply of water by the municipality or company controlling the same shall not be construed to be a failure on the part of such owner; *provided*, that proper and suitable appliances to receive and to distribute such water shall have been provided for said house.

Proviso.

Application for water mains.

178. Where water mains can be obtained in the street upon which any tenement-house is located by application to the municipality or company controlling the same, then the owner shall make such application, and in case such application is refused he shall file with the board a properly certified statement of such refusal and the reasons therefor.

Well water.

179. Where the water-supply of any tenement-house now existing or hereafter erected is obtained from a well or other private source of water-supply, the use of such water shall be subject to test by the board and

its use shall be discontinued when so ordered by the board; and such water shall not be again used until its use is authorized by the board.

180. All tenement-houses now existing or hereafter erected shall be kept provided with proper and sufficient metallic leaders for conducting water from the roofs in such manner as to protect the walls and foundations of the said building from injury; in no case shall the water from said leaders be allowed to flow upon the sidewalk, but the same shall be conducted by the pipe or pipes to the sewer, where sewers exist, and where the municipality permits such disposal to be made; or if there be no sewer or if such disposal is not permitted by the municipality, then the water shall be conducted by proper pipe or pipes below the surface of the sidewalk to a street gutter; a leader connected to the sewer must be trapped and shall not be used as a soil-pipe or waste-pipe, nor shall any such soil or waste-pipe be used as a leader; in no case shall the water from any such leader be connected with any vault or privy or cesspool used to receive fecal matter or urine, or sewage of any kind; nor shall any such leader be connected to any well or underground receptacle from which it is intended to be redrawn for use.

Rain-water
conductors.

Section 2.

181. Before work on any portion of the plumbing or drainage system of any tenement-house is commenced, or before any material alteration or addition is made to any existing system, the owner or his agent shall cause to be filed with the board a certificate of approval of the proposed work signed by the local board having jurisdiction, and at completion of the said work he shall also file a similar certificate of its approval as executed; where no local board exercises jurisdiction the owner or his agent shall file with the board plans and specifications of the proposed work, which shall be executed under the jurisdiction of the board and in accordance with such regulations as are necessary to secure a sanitary, workmanlike system.

Specifications
for plumbing
or drainage
approved.

ARTICLE V.

Specifications
of construc-
tion or altera-
tion furnished
board for
approval.

Plans a public
record.

182. Before the alteration or construction of a tenement-house, or the alternation or conversion of a building for use as a tenement-house, is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement-house, the owner, or his agent or architect, shall submit to the state board of tenement-house supervision a detailed statement, in writing, verified by the affidavit of the person making the same, of the specifications of such tenement-house or building, upon a blank or form to be furnished by the said board, and also a full and complete copy of the plans of such work; such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement-house or building; if such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such tenement-house, either as owner, lessee, mortgagee or in any representative capacity; said affidavit shall allege that said specifications and plans are true and contain a correct description of such tenement-house, building lot and proposed work; the statements and affidavits herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect; no person, however, shall be recognized as the agent of the owner unless he shall file with the said board a written instrument, signed by such owner, designating him as such agent; any false swearing, in a material point, in any such affidavit, shall be deemed perjury; such specifications, plans and statements shall be filed with the said board and shall be deemed public records, and no such specifications, plans or statements shall be removed from the custody of said board; the said board shall cause all such plans and specifications to be examined; if such plans and specifications conform

to the provisions of this act they shall be approved by the said board, and a written certificate to that effect shall be issued to the persons submitting the same; and if the said board shall not approve such plans and specifications, the board shall, at the request of the person submitting the same, give him or them the reasons for such refusal, in writing; the board may, from time to time, approve changes in any plans and specifications previously approved by it; *provided*, the plans and specifications, when so changed, shall be in conformity with the provisions of this act, and may require, when it shall deem it to be necessary, a new set of plans to be filed; the construction, alteration or conversion of such tenement-house, building or structure, or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided; the construction, alteration or conversion of such house, building or structure shall be in accordance with such approved specifications and plans; any permit or approval which may be issued by the said board, but under which no work has been done, above the foundation walls, within one year from the time of the issuance of such permit or approval, shall expire by limitation; said board shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specifications, plans or statements submitted or filed for such permit or approval.

Proviso.

Power to re-voke permit.

183. No building hereafter constructed as, or altered into, a tenement-house shall be occupied, in whole or in part, for human habitation until the issuance of a certificate by the said board that said building conforms in all respects to the requirements of this act; such certificate shall be issued within ten days after written application therefor, if said building, at the date of such application, shall be entitled thereto.

Certificate of fitness for habitation.

184. If any building hereafter constructed as, or altered into, a tenement-house be occupied, in whole or in part, for human habitation, in violation of the last paragraph, the said premises shall be deemed unfit for human

Board may cause tenement vacated.

habitation, and the said board shall cause them to be vacated accordingly.

Powers of local boards not impaired.

185. Nothing in this act shall be construed to abrogate or impair the power of local boards of health or building departments or of the courts to enforce any provision now existing or hereafter adopted in a city charter or an ordinance or regulation, not inconsistent with this act, or to prevent or punish violations thereof.

Notice and description filed by owner or lessee.

186. Every owner of a tenement-house and every lessee of the whole house, or other person having control of a tenement-house, shall file with said board a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the board easily to find the same; and also the number of apartments in such house, the number of rooms in each apartment and the number of families occupying the apartments; in case of the transfer of any tenement-house it shall be the duty of the grantor or grantee of such tenement-house to file with said board a notice of such transfer, stating the name of the new owner, within thirty days of such transfer; in case of the devolution of said property by will, it shall be the duty of the executor and devisee, if more than twenty-one years of age, or in case of the devolution of such property without a will, it shall be the duty of the heirs, or in case all of the heirs are under age, it shall be the duty of the guardians of such heirs, and in case the said heirs have no guardian, it shall be the duty of the administrator of the deceased owner of said property to file with said board a notice, stating the death of the deceased owner and the names of those who have succeeded to his interest in said property, within thirty days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will if he died testate.

If property willed.

187. Every owner, agent or lessee of a tenement-house, if a resident of this state, may, and if a non-resident of this state, shall, file a notice with said board containing the name and address of an agent of such house, a resident of this state, for the purpose of receiving service of process, and also a description of the property, by street number or otherwise, as the case

Agent's name and address.

may be, in such manner as will enable said board easily to find the same; the name of the owner or lessee may be filed as agent for this purpose, if he be a resident of this state.

188. Every notice or order in relation to a tenement-house shall be served five days before the time for doing the thing in relation to which it shall have been issued; the posting of a copy of such notice or order in a conspicuous place in the tenement-house, together with the mailing of a copy thereof, on the same day that it is posted, to each person, if any, whose name has been filed with the said board, in accordance with the provisions of paragraphs one hundred and eighty-six and one hundred and eighty-seven of this act, at his address as therewith filed, shall be sufficient service thereof; and if the name of the owner or agent has not been filed in accordance with the said paragraphs one hundred and eighty-six and one hundred and eighty-seven, then the posting of a copy of such notice or order, as herein provided, shall be sufficient service thereof.

Notice and
order given
by posting
and mail.

ARTICLE VI.

189. Every person who shall violate or assist in the violation of any provision of this act shall be subject to a penalty of one hundred dollars, if such violation be wilful, or to a penalty of twenty-five dollars, if such violation be not wilful.

Penalty for
violation.

190. The owner or any tenement-house, or part thereof, or of any building or structure upon the same lot with a tenement-house, or of the said lot, where any violation of this act, or a nuisance exists, and any person who shall violate or assist in violating any provision of this act, or any legal notice or order of the said board, shall jointly and severally for each such violation be subject to a penalty of one hundred dollars, if such violation be wilful, or to a penalty of twenty-five dollars if such violation be not wilful; such persons shall also be liable for all costs, expenses and disbursements paid or incurred by the said board, or by any of the officers

Persons liable.

thereof, or by any agent, employe or contractor of the same, in the removal of any such nuisance or violation.

Joint liability.

191. Every joint or several owner of any tenement-house shall be jointly and severally liable for any violation of any provision of this act; and every lessee of a whole tenement-house or of the building or structure erected on the same lot with a tenement-house, shall be jointly and severally liable with the owner or owners of the fee of such tenement-house, building, structure and lot for any violation of any provision of this act.

Interference.

192. Any person who shall interfere with the said board or with any of its employes in the performance of their duties under this act, or under the lawful regulations of the said board, and shall prevent, or attempt to prevent the said board or any of its employes from the performance of their said duties, shall be subject to a penalty of one hundred dollars.

**Cognizance
of violations.**

193. Every district court in any city, and every justice of the peace in any county, and any police justice or recorder in any city, is hereby empowered, on oath or affirmation made according to law, that any person or persons has, or may have, violated or assisted in the violation of any provision of this act, to issue process at the suit of the state board of tenement-house supervision, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons shall be returnable in not less than one nor more than ten entire days; such process shall state what paragraph of this act and particular part or parts of said paragraph are alleged to have been violated by the defendant or defendants; and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear the testimony without the filing of any pleadings, and on being satisfied of the guilt of the defendant or defendants shall render judgment for the plaintiff in the sum of one hundred dollars, if it shall appear from the evidence that the offense was wilful; but if it shall appear from the evidence that the offense was not wilful, judgment shall

Process.

**Hearing;
judgment.**

be rendered for the plaintiff in the sum of twenty-five dollars; and the said court, justice of the peace, police justice or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; and said court, justice of the peace, police justice or recorder is further empowered to cause such defendants who may refuse or neglect to pay the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period not exceeding ninety days; and said court, justice of the peace, police justice or recorder is further empowered, in case any such defendant shall have been twice convicted of the violation of the same paragraph of this act, or of continuing the violation for which he was previously convicted, in addition to the payment of the penalty hereinbefore mentioned, to cause the defendant to be imprisoned in the county jail or county workhouse, with or without hard labor, for any number of days not exceeding one for each dollar of the penalty; *provided, however,* that no warrant shall issue against any freeholder unless affidavit shall also first be made that such freeholder is about to abscond from this state.

Imprisonment.

194. No district court of any city, justice of the peace, police justice or recorder shall have jurisdiction in any case of violation of this act which shall take place outside of the territorial jurisdiction of such district court, justice of the peace, police justice or recorder, as such territorial jurisdiction is now or may hereafter be established by law.

Proviso.

195. The officers to serve and execute any process issued out of any court by virtue of any provision of this act, shall be the officers authorized by law to serve and execute process in said courts and before such magistrates and officers as aforesaid.

Jurisdiction.

196. In any action brought by the said board by virtue of any provision of this act, it shall be sufficient service of the summons or of any order of the court to serve the same as notices and orders are served under the provisions of paragraph one hundred and eighty-eight of this act.

Officers.

Service of summons.

**Non-resident
or absent
owners.**

197. In case the owner of any tenement-house in this state, who resides out of the state, or who absconds from, or conceals himself within this state, shall have violated or assisted in the violation of any of the provisions of this act, then the said board may proceed against the said non-resident or absent owner, to recover the penalty provided for such violation, by writ of attachment to be issued out of any court of common pleas or circuit court in this state against the rights and credits, goods and chattels, lands and tenements of such non-resident or absent owner; and the proceedings shall be the same as in other cases in attachment issued out of said courts.

**Exclusion of
light by fence.**

198. Any person who shall erect, or suffer to remain erected, any fence or other structure designed or intended to exclude the light and air from any tenement-house in this state shall be subject to a penalty of ten dollars' for every day such fence or structure remains after notice from the said board to remove the same; which penalty shall be recovered in an action to be brought by the said board before any district court, justice of the peace, police justice or recorder, and the proceedings shall be the same as provided in paragraph one hundred and ninety-three of this act.

**Disposition
of fines.**

199. All fines, penalties and moneys imposed and collected under any provision of this act shall be paid by the justice, or by the clerk or other officer of the court receiving the same, to the treasurer of the state of New Jersey.

**Vacation of
tenement.**

200. When the said board shall order any tenement-house vacated under any provision of this act, and the owner or occupants thereof shall refuse to vacate the same, any district court judge in any city, and any justice of the peace in any county, on complaint made on oath or affirmation, setting forth the order of the said board, the service thereof, and such refusal to vacate the tenement-house, describing it by street and number, or in any way sufficiently to identify the same, shall issue an order directing the owner of such tenement-house, the lessee of the whole house and the tenants thereof to show cause before him why such tenement-house should not be vacated, and on the return day of

the order, if no good cause be shown for the refusal to vacate, the said judge or justice shall issue an order directing any sergeant-at-arms of said court, or any constable, to forthwith dispossess the occupants of the tenement-house complained of, and shall render judgment against the owner for the costs of the proceedings.

201. When complaint is made on oath or affirmation before any judge of a district court, justice of the peace, police justice or recorder, that the complainant believes that any building or structure is being used as a tenement-house, or that any building or structure is being used in violation of any provision of this act, such district court judge, justice of the peace, police justice or recorder, on being satisfied that probable cause exists for such belief, shall forthwith issue a search warrant authorizing any officer or employe of the said board to enter and search, examine and inspect such building or structure.

Warrant to inspect tenement.

202. In case any tenement-house, building or structure, or any part thereof, is constructed, altered, converted or maintained in violation of any provision of this act, or of any order or notice of said board, or in case a nuisance exists in any such tenement-house, building or structure, or upon the lot on which it is situated, the said board may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of such tenement-house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement-house or lot; in any such action or proceeding the said board may, by affidavit setting forth the facts, apply to the court of chancery for an order enjoining and restraining all persons from doing or permitting to be done any work in or about such tenement-house, building, structure or lot, or from occupying or using the same for any purpose until the final order or decree of said court; in case any notice or order issued by the said board is not complied with, the said board may apply by petition to the court of chancery for an order authorizing said board to execute and carry out the provisions of such notice or order, to remove

Prevention of violations or nuisances.

any violation specified in such notice or order, or to abate any nuisance in or about such tenement-house, building or structure, or the lot upon which it is situated; the court of chancery is hereby authorized to make any order specified in this paragraph.

ARTICLE VII.

**Board of
tenement-
house super-
vision.**

Vacancies.

Expenses.

**President and
secretary.**

Assistants.

203. On or before the first day of May next, the governor, by and with the advice and consent of the senate, shall appoint five persons, who shall constitute a board of tenement-house supervision, to be known as the board of tenement-house supervision of the state of New Jersey, and who shall hold office for the term of one, two, three, four and five years, as designated in their respective appointments, and until their successors shall have been appointed and qualified; and the governor shall annually thereafter appoint one person to fill the vacancy in the said board, who shall hold office for five years and until his successor shall have been appointed and qualified; if the office of any appointed member shall for any cause become vacant before the expiration of the term for which such member was appointed, the same shall be filled by the governor for the unexpired term only; the members of the said board shall be allowed their expenses actually incurred in and about the work of the board, which sum the treasurer of this state is hereby authorized to pay from any moneys in the treasury not otherwise appropriated, upon a warrant drawn by said board, signed by its president and attested by its secretary.

204. The said board shall elect one of its members as president, who shall call meetings of the said board once in every month, and also whenever in his judgment it shall be necessary and also whenever requested so to do by three members of the board; and the said board shall also elect a secretary to serve for the term of five years, whose compensation shall be fixed by the said board, subject to the approval of the governor.

205. The said board may, subject to the approval of the governor, appoint and remove such subordinate

officers, assistants and employes as may be necessary, and assign them to duty in any part of the state; which officers and employes shall be paid by the board out of the moneys appropriated therefor, such sums as may be fixed and determined by the said board, subject to the approval of the governor.

206. The said board shall make all regulations as may be necessary for the proper administration of their duties under this act; and shall design and adopt a seal, and cause the same to be used in the authentication of the orders and proceedings of the board, and for such other purposes as may be necessary; the courts shall take judicial notice of such seal and of the signatures of the president and secretary of the said board.

207. The said board shall, in the month of November of each year, make a report to the governor of its investigations and the results accomplished for the year ending October thirty-first, with such communications and suggestions concerning the same as it may deem proper.

Regulations
and seal.

Annual
report.

ARTICLE VIII.

208. Every now existing tenement-house shall be made to comply with all the provisions of this act on or before the first day of January, one thousand nine hundred and five.

Compliance.

209. Every tenement shall be open at all times for the purpose of inspection by the said board and by any member, officer and employe thereof; and the said board, members, officers and employes are hereby authorized at any time to freely enter and inspect any tenement-house.

Open to
inspection.

210. All acts and parts of acts inconsistent with this act are hereby repealed, but this repealer shall not revive any act heretofore repealed.

Repealer.

211. This act shall take effect immediately.

Approved March 25, 1904.

CHAPTER 62.

An Act to amend an act entitled "An act to define the duties and fix the salary of the attorney-general," approved February twenty-fourth, one thousand eight hundred and fifty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

Duties of
the attorney-
general.

1. Section one of an act entitled "An act to define the duties and fix the salary of the attorney-general," approved February twenty-fourth, one thousand eight hundred and fifty-four, is hereby amended to read as follows:

1. It shall be the duty of the attorney-general, when not incompatible with his other public duties, to be present at the seat of government during the session of the legislature, to give to the members of the senate and assembly, and to the executive, and all the officers of the state government, such legal information as they may from time to time request, examine and decide all cases submitted for his opinion by the state superintendent of common schools or other state officials or commissions, attend in any county of the state for the trial of homicide cases, or other high crimes, on the written request of a justice of the supreme court, or of the board of chosen freeholders of any county, upon all applications for loans of the school fund to inspect the title papers, to attend generally to all matters in which the state is a party or in which its rights and interests are involved, and to act as advisor or counsel for all state boards, commissions or other state officials, and to be, in connection with such assistants as may be employed in his department, the sole legal advisor, attorney or counsel thereof and to represent them in all suits or actions of any kind that may be brought for or against them in any courts of this state.

2. From and after the passage of this act it shall be lawful for the attorney-general to appoint an assistant in his office, who shall be commissioned by the governor to be assistant attorney-general and who shall hold his office during the pleasure of the attorney-general making the appointment, but in no case to extend beyond the term for which said attorney-general is commissioned, and the said assistant attorney-general shall be required to take and subscribe an oath of like form and character that is administered to the attorney-general; it shall be the duty of the assistant attorney-general, in co-operation with and under the direction of the attorney-general, at all times to carry out and perform the duties herein imposed upon the office or department of attorney-general; the assistant attorney-general shall receive for his salary compensation at the rate of five thousand dollars per annum, payable monthly out of the treasury of this state upon the warrant of the comptroller; there shall be such other clerks and assistants in the office of the attorney-general as the business of the department shall require and the attorney-general shall appoint; and the attorney-general shall have the power, whenever any exigency shall require, to employ a special or local counsel to assist in the trial of any particular case.

Assistant.

Oath and duties.

Salary.

Special counsel.

3. This act shall take effect immediately.

Approved March 25, 1904.

CHAPTER 63.

An Act concerning the term of office of certain officers in cities of the second class of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Any collector of taxes, receiver of taxes, city treasurer, clerk, city attorney, physician, street commissioner, surveyor or overseer of the poor hereafter appointed in cities of the second class prior to the first day of January, one thousand nine hundred and five, shall hold office

Term of office.

Proviso.

only until said first day of January, one thousand nine hundred and five, and thereafter it shall be lawful for the board of aldermen, common council or other governing body of any such city to make appointments to any or all of said offices for a term of three years; said term of office shall commence the first day of January last preceding or next succeeding the fixing thereof as said board of aldermen, common council or other governing body may by like vote direct; *provided*, that no such term shall commence earlier than the first day of January, one thousand nine hundred and five; and when such term shall have been fixed the incumbents or persons thereafter chosen, for any of the above-named offices, shall hold office until the expiration of the term so fixed, and their successors, when chosen, shall hold office for a like term of years.

Repealer.

2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed; *provided*, that nothing herein contained shall abridge the term of office of any person heretofore appointed; *and provided*, that this act shall not apply to cities where such officers are now or may be elected by popular vote.

Proviso.

3. This act shall take effect immediately.

Approved March 25, 1904.

CHAPTER 64.

An Act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

EMPLOYMENT OF CHILDREN.

Minimum
age for em-
ployment in
factories.

I. No child under the age of fourteen years shall be employed, allowed or permitted to work in any factory,

workshop, mill or place where the manufacture of goods of any kind is carried on; any corporation, firm, individual, parent, parents or custodian of any child who shall violate any of the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

2. The word custodian as used in this act shall include any person, organization or society having the legal custody of a child.

Custodian defined.

3. If at the time of the employment of a child, the proofs of age specified in subdivisions I. and II. of this section, are filed with the corporation, firm or person employing the child, such proofs shall be conclusive evidence of the age of child in a suit against such employer for a violation of section one; *provided, however,* that correct copies of all papers, certificates, passports and affidavits relating to such employment shall be mailed, postage prepaid, to the department having charge of the enforcement of this act, at Trenton, New Jersey, within twenty-four hours after the same are filed, together with a statement of the legal name of the person, firm or corporation employing such child.

Certificate of age as evidence.

Proviso.

I. Native Born Children.

The parent, parents or custodian shall make and swear to an affidavit before some officer authorized by the law of this state to take affidavits, setting forth the following facts: The name of the child in full; his or her residence, giving street and number; place where and year, month and day when born; name of father; maiden name of mother; church attended, if any; school last attended and time when, if any, and where the church and school are situated; if child was baptized, name and location of church or parish in which such baptism took place; there must accompany such affidavit a transcript of the record of the child's birth, duly attested by an officer having by law the authority to keep records of birth in the state, county, town or city in which the child was born; if no such birth record can be obtained and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy, under the hand of the person having the custody of such church or parish records, shall accompany the affidavit, and the

Certificate of native born children.

LAWS, SESSION OF 1904.

affidavit shall set forth the age of child at time of baptism.

II. Foreign Born Children.

Of foreign
born children.

An affidavit to be made by the same persons and containing the same statement of facts as in the case of native born children, with an additional statement that the child named in the affidavit is the same mentioned and described in the passport under which the child was admitted to this country; a true copy of said passport must in all cases be attached to the affidavit.

III. Other Children.

Of others.

The commissioner shall have power to issue permits of employment to children upon the production of evidence of the child's age satisfactory to him; *provided*, that he shall first be satisfied that the child cannot obtain a transcript of birth record, a baptismal certificate or passport, as provided in either subdivision I. or II.

Baptismal
record in
evidence.

4. In any suit brought to recover a penalty for violation of section one of this act, a copy of the baptismal record, certified to be a true copy under the hand of the person having the custody of such records for the church or parish in which such child was baptized, shall be *prima facie* evidence of the child's age (*provided*, that in case the age of the child is not set forth in the baptismal record, that there shall be other proof showing the age of the child at the time he or she was baptized).

Proviso.

5. The commissioner, assistant or any inspector is hereby empowered to demand of any parent, parents or custodian, proof of the age of a child satisfactory to the commissioner, and such parent, parents or custodian shall, within five days after such demand is made, furnish to such officer proofs of such child's age; and in event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing signed by the commissioner, and shall not be re-employed until such proof of age shall have been furnished to the commissioner; any person violating the provisions of this section shall be liable to a penalty of fifty dollars for each offense.

Right to de-
mand proof
of age.

6. Any one who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false, and any person or persons who shall aid,

assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense.

7. The commissioner, assistant or the inspectors shall have power to demand a certificate of physical fitness from some regular practicing physician in the case of minors under the age of sixteen years, who, in the judgment of such officer, shall be physically unable to do the work in which such minor is employed, and shall have the power to prohibit the employment of such minor until he or she shall produce a certificate of physical fitness; and any manufacturer or employer who shall retain in his employ a minor after such certificate shall be demanded, shall be liable to a penalty of twenty-five dollars.

8. A corporation, firm or person, owning or operating a place coming under the provisions of this act and employing, allowing or permitting minors under the age of sixteen years to work therein, shall keep or cause to be kept in the main office of such place, in the town or city where such place is located, a register in which shall be recorded the names, places of residence and time of employment of all such minors working under certificates, transcripts, passports or affidavits; such registers and certificates, transcripts and affidavits shall be produced for inspection upon demand of the commissioner, assistant or any of the inspectors; truant officers shall have the same right as inspectors to examine such registers and the certificates, transcripts, passports or affidavits, when authorized in writing so to do by the commissioner; any corporation, firm or person failing to keep such register or refusing to permit the persons herein authorized to inspect the same or the certificates, transcripts, passports or affidavits, shall be liable to a penalty of fifty dollars for each offense.

9. No minor under the age of sixteen years shall be employed, permitted or allowed to work in places coming under the provisions of this act, more than ten hours in a day or fifty-five hours in a week; any corporation, firm or person permitting or allowing any violation of

Certificate
of health.

Register
kept.

Open to
inspection.

Day's and
week's work.

the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

Effect of affidavits as to age.

10. Affidavits of the age of children made and filed with the manufacturer before this act takes effect, shall have the same force and effect as the proofs required under subdivisions I. and II. of section three, of this act.

PROTECTION OF EMPLOYES.

Hoistways protected.

11. The openings of all hoistways, hatchways, elevators and well-holes upon every floor of any place coming under the provisions of this act, shall be protected by good and sufficient trap-doors or self-closing hatches and safety catches, or strong guard-rails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

As to doors.

12. All the main doors, both inside and outside of places coming under the provisions of this act, shall open outwardly or be sliding doors, and shall be kept unbolted and unlocked during the hours of employment.

Guards about machinery.

Safeguard must be maintained.

13. The owner or person in charge of any of the places coming under the provisions of this act, where machinery is used, shall provide, in the discretion of the commissioner, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys; whenever practicable, all machinery shall be provided with loose pulleys, all vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws, drums and machinery of every description shall be properly guarded; no person shall remove or make ineffective any safeguard around or attached to such machinery, vats or pans while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced; if the machinery, or any part thereof, or any vat, pan or vessel containing molten metal or hot liquid is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner, and a notice to that effect shall be attached thereto; such notice shall not be removed until the machinery is made safe and the

required safeguards are provided; and in the meantime such unsafe or dangerous machinery, vats, pans, or vessels containing molten metal or hot liquid shall not be used; when, in the opinion of the commissioner, it is necessary, the halls leading to work-rooms shall be provided with proper lighting facilities.

Halls lighted.

BLOWERS IN WORKSHOPS.

14. All corporations, firms or persons conducting a manufacturing business in any of the places coming under the provisions of this act, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels, or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers or similar apparatus, which shall be placed over, beside or under wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle placed so as to receive and confine such dust; *provided*, that grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding in small shops employing not more than three persons at such work, shall be exempt from the provisions of this section if so ordered by the commissioner.

Maintenance
of blowers
in connection
with emery
wheels.

Proviso.

15. It shall be the duty of any person, firm or corporation conducting such manufacturing business, to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth above, as follows: Each and every such wheel shall be fitted with a sheet or cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by a current of air into a suction pipe attached to some hood or hopper.

Hood attached
to wheel.

Size of suction pipe.

16. Each and every such wheel six inches or less in diameter shall be provided with a round suction pipe three inches in diameter; wheels six inches to twenty-four inches in diameter, with round suction pipe five inches in diameter; and all wheels larger in diameter than those stated above shall be provided each with a round suction pipe not less than six inches in diameter; the suction pipe from each wheel so specified must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall in its diameter and capacity be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with such suction pipe or pipes shall be as large or larger than the suction pipe.

Connection and operation of blowers.

17. It shall be the duty of any person, firm or corporation operating any such place to provide the necessary fans or blowers to be connected with such pipe or pipes, as set forth in this act, which shall be run at the rate of speed such as will produce a pressure of air in such suction or discharge pipes sufficient to raise a column of water not less than five inches in a U-shaped tube; all branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to the same as possible, and shall be either upon or beneath the floor on which the machines are placed to which such wheels are attached; all bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Orders.

18. It shall be the duty of the commissioner to make orders in writing for the carrying into effect the provisions of sections fourteen, fifteen, sixteen and seventeen.

SIZE OF ROOMS.

Air space per operative.

19. Not less than two hundred and fifty cubic feet of air space shall be provided for each employe or operative at work in a room in a place within the meaning of this act between the hours of six o'clock in the morning and

six o'clock in the evening, and not less than four hundred cubic feet of air space for each employe so employed between the hours of six o'clock in the evening and six o'clock in the morning; *provided*, in all cases where the amount of air space provided does not exceed the amount above fixed, that such room is lighted by electricity during all hours that artificial lights are necessary and persons are employed therein, unless a written permit shall be obtained from the commissioner.

Proviso.

VENTILATION.

20. The owner, agent or lessee of a place coming under the provisions of this act, or employer, shall provide in each work-room thereof proper and sufficient means of ventilation; in case of failure the commissioner shall order such ventilation to be provided; such owner, agent, lessee or employer shall provide such ventilation within twenty days after the service upon him of such order in writing, and in case of failure shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

Proper ventilation.

CLEANING MACHINERY.

21. No minor under sixteen years of age shall be required, allowed or permitted to clean any part of the gearing or machinery in any place coming under the provisions of this act, while the same is in motion, or to work between the fixed or traversing parts of any machinery while it is in motion by the action of steam, water or other mechanical power.

Minors about machinery in motion.

EXPLOSIVES.

22. Every corporation, firm or person having or keeping in his or its place or manufactory coming under the provisions of this act, any explosive or inflammable compound, shall keep or store such explosive or inflam-

Explosives.

ntable compound in such factory, mill, workshop or place in such way as not to obstruct or render hazardous the egress of employes or operatives in case of fire.

SANITARY.

Separate toilet facilities.

23. Every factory, workshop or mill shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also a suitable and convenient wash-room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing-room shall be provided for them when ordered by the commissioner.

Dusty factories.

24. Factories and workshops in which women and children are employed, and where dusty work is carried on, shall be lime-washed or painted at least once in every twelve months.

POSTING LAW.

Abstract of law posted.

25. An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this state who is affected thereby, and every manufacturer to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view in such place that it can be easily read by the employes or operatives in coming in or going out from said factory, workshop or mill.

OBSTRUCTING OFFICERS.

No hinderance of officials.

26. No person shall interfere with, delay, obstruct or hinder by force or otherwise, the commissioner, the assistant commissioner or inspectors, while in the performance of their duties, or refuse to answer in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

FORFEITURE OF WAGES.

27. Any person, firm or corporation engaged in manufacturing which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges without similar notice a person in such employ, unless in case of a general suspension of labor in his or its factory, mill or place where the manufacture of goods of any kind is carried on.

As to for-
feiture of
wages.

ACCIDENTS.

28. All accidents that prevent the injured person or persons from returning to work within two weeks, or which result in death, shall be reported in writing to the department, at Trenton, New Jersey, within twenty-four hours after the expiration of four weeks or after the death of such person injured, as the same may be; such notice may be sent by mail, postage prepaid.

Report of
accidents.

NOTICE OF OCCUPANCY.

29. Every corporation, firm or person shall within one month after he, they or it shall begin to occupy a factory, workshop, mill or place where the manufacture of goods of any kind is carried on, notify in writing the department, at Trenton, New Jersey, of such occupancy, giving the legal title of such corporation and name of agent upon whom service of a summons can be made, and in case of a firm, the individual names of the members of the firm or the legal title of the concern so occupying such factory or workshop.

Notice by
corporations
or firms en-
gaging in
manufactur-
ing.

PENALTIES.

30. For the purpose of carrying into effect the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-

Penalties for
violations.

two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employes and operatives and the enforcement of this act in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, shall, for each offense, be liable to a penalty of fifty dollars.

SWEAT SHOPS.

No manufacturing in dwellings except by family.

Revocation of permit.

Permit posted.

31. No room or rooms, apartment or apartments, in any tenement or dwelling-house, shall be used for the manufacture of coats, vests, trousers, knee-pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, except by the immediate members of the family living therein; no person, firm or corporation shall hire or employ any person to work in any room or rooms, apartment or apartments, in any tenement or dwelling-house, at making, in whole or in part, any coats, vests, trousers, knee-pants, overalls, cloaks, furs, artificial flowers or cigars, unless such person, firm or corporation first shall have obtained a written permit from the commissioner; which permit may be revoked by the commissioner at any time that the health of the community or of those employed as aforesaid may, in his judgment, require it, and that such permit shall not be granted until due and satisfactory inspection of the premises affected shall have been made by the said commissioner, assistant, or an inspector; such permit shall be framed and posted in a conspicuous place in the main room of the place to which it relates, shall be duly numbered and shall state the number of persons allowed to be employed therein.

32. Any person, firm or corporation being the owner, lessee or occupant of the place to which the preceding section relates, shall, for the violation of any of the provisions therein, be liable to a penalty of one hundred dollars for each offense.

33. This act shall not apply to a private house or private room used for manufacturing purposes by the family dwelling therein.

Penalty for
violating
section 31.

Exception.

FIRE-ESCAPES.

34. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on, now or hereafter erected, which is three or more stories in height and in which twenty-five or more operatives or employes shall be at work on or above the third floor, shall be provided with outside iron fire-escapes as hereinafter provided; the fire-escapes shall be located at such places on the said buildings as may be best suited for the purpose intended or as the commissioner may designate in writing, and shall take in one or more windows on each floor above the first floor; fire-escapes may project into the public highway to a distance not greater than four feet beyond the building line.

Maintain
fire-escapes.

35. The fire-escapes shall consist of outside iron balconies, and stairways at each floor above the first connecting said balconies to the ground, except in the case of the fire-escape being over a public highway, when a drop-ladder shall connect the lowest balcony to the ground in a manner hereinafter specified; the stairways shall be placed at a slope no steeper than a ratio of one horizontal to one and one-quarter vertical; the balcony on the top floor shall be provided with a goose-neck ladder leading from said balcony to and above the roof.

Fire-escape,
how con-
structed.

36. *Balconies.*—The balconies shall not be less than three feet in width, taking in at each story above the ground floor at least one window of each part of building separated by inside walls in which twenty-five or more operatives or employes shall be at work; they shall be below and not more than one foot below the window sills, and extend in front of and not less than nine inches beyond each window; there shall be a landing

Balconies.

not less than twenty-four inches square at the head and foot of each stairway; the stairway opening on each platform shall be of a size sufficient to provide clear headway; the windows or openings upon each balcony shall be of easy access and sufficiently large to permit easy passage through them, and shall be kept unobstructed; where the top of window sill is more than two feet above the floor of building, inside steps shall be provided.

Balcony floors
of metal;
capacity.

37. *Floors of Balconies.*—The floors of balconies shall be of wrought-iron or steel slats not less than one and a half inches by three-eighths of an inch, placed not more than one and one-quarter inches apart and well secured and riveted to iron battens not less than one and a half inches by three-eighths of an inch, not over two feet apart, and which battens shall rest on and be riveted to frame of balcony; said frame to consist of angle-iron not less than two and one-half inches by two and one-half inches by three-sixteenths of an inch thick, and to extend around the four sides of balcony floor, to rest upon brackets and be secured to same by rivets or bolts and to be riveted at corners; the openings for stairways in all balconies shall not be less than twenty-one inches wide and forty-two inches long, and such openings shall have no covers of any kind; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

Railings.

38. *Railings.*—The outside top rail shall in no case be less than three feet above the floor of balcony, and shall extend around the entire platform and in all cases shall go through the wall at each end, be worked out to three-quarter inch bolt size and be properly secured by nuts with washers at least four inches square and three-eighths of an inch thick, and no top rail shall be connected at angles by cast iron; the top rail of balconies shall be one and three-quarters inches by one-half inch of wrought-iron or one and a half inch angle-iron at least three-sixteenths of an inch thick, or such size and shape as shall be approved by the commissioner; the bottom rails shall in no case be more than eight inches above

the floor of balcony and shall be of one and one-half inches by three-eighths of an inch wrought-iron, or of one and a half inch angle-iron at least three-sixteenths of an inch thick, well leaded or cemented into the wall; the standards or filling-in bars shall not be less than one-half inch round or square wrought-iron, well riveted to the top and bottom rails and to platform frame immediately where adjacent to brackets and shall be placed not more than six inches apart.

39. *Stairways.*—The stairways shall be constructed and erected to fully sustain in all their parts a safe load of not less than one hundred pounds per step, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts, with the exception of the tread, which must safely sustain at said ratio a concentrated load of two hundred pounds; the treads shall be not less than seven inches wide and the rise of each step not more than nine inches; the treads shall be flat open treads of cast-iron not less than five-eighths of an inch thick, or of flat bars not over one and one-quarter inches wide or less than three-eighths of an inch thick, with spaces between not more than one inch or less than one-half of an inch; such bars to be riveted to angle-irons of not less than one and one-half inches in size, secured to strings, with double rivets or bolts; the stairs shall be not less than twenty inches wide between inside of strings, and there shall remain a clear passage between stairway and wall of building of not less than fourteen inches; the strings shall be not less than three-inch channels of iron or steel, or other shape equally strong, and shall, at both top and bottom, rest upon and be fastened to a bracket, which shall be fastened through the wall as hereinafter provided; the stairs shall have a hand-rail of not less than three-quarter inch round wrought-iron rod or pipe, on each side not less than thirty inches or more than forty-two inches above steps at any point, and same shall be secured and well braced.

40. *Brackets.*—The brackets shall be placed not more than four feet apart and not be less than three-quarters of an inch by one and one-half inches wrought-iron placed edgewise, or one and three-quarter inch angle-

Stairways;
capacity,
tread, etc.

Brackets
well braced.

iron, one-quarter inch thick, to extend across full width of balcony and be well braced at a point not less than two-thirds of the distance from wall to end of bracket, by means of not less than three-quarters of an inch square wrought-iron or one and three-quarters inch angle-iron; the ends of brackets and braces shall go through the wall and be turned down three inches, or be properly secured by nuts and washers four inches square and at least three-eighths of an inch thick; on new buildings the brackets shall be set as the walls are being built; when brackets are put on factories already erected, the part going through the wall shall not be less than one inch in diameter with screw nuts and washers not less than five inches square and one-half an inch thick.

Drop-ladders.

41. *Ladders.*—A proper drop-ladder to reach to a safe landing place below shall be required from the lower balcony of any fire-escape over a public highway in place of a stairway, and when the floor of such balcony is more than sixteen feet above the sidewalk or ground, a suitable landing platform shall be provided; such platform shall be located not more than ten feet above the ground and shall be connected with the balcony above by means of a stairway constructed as this act requires for stairways between balconies; such platform shall not be less than three feet in width and four feet long and provided with proper railings; the drop-ladder to ground shall be not less than fifteen inches in width with strings not less than one-half inch by two-inch iron, and rungs not less than five-eighths of an inch in diameter, placed not more than twelve inches apart and securely riveted through the strings; strings to be made of one piece and not connected in parts by rivets or bolts; the upper end of each string to be formed into a hook by which the ladder may be secured to the frame of the balcony when in use; the goose-neck ladder shall be securely fastened to the wall of the building and the strings shall extend at least thirty inches above the roof and return down and be secured to same; there shall be a space of not less than fourteen inches between such ladder and the outer rail of balcony.

42. *Painting.*—All the parts of such fire-escapes shall receive not less than two coats of paint, one in the shop and one after erection, and shall be painted thereafter whenever the same may be needed.

Properly
painted.

43. The commissioner shall have the power to make and have served an order in writing upon any owner or owners of any building coming under the provisions of this act, ordering that a fire-escape shall be erected either on a new building or on a building already erected, or ordering that a fire-escape already erected shall be changed and altered in such manner as he shall in such order designate; such fire-escapes must conform to the provisions of this act; any corporation, firm or person failing or neglecting to obey such order within the time therein limited, shall be liable to a penalty of one hundred dollars for such failure, and to a further penalty of ten dollars for each day that shall elapse after the expiration of the time limited in said order, until a fire-escape shall be erected on such building in compliance with the terms of such order; *provided*, that fire-towers, when approved by the commissioner, shall be legal protection the same as iron fire-escapes as hereinbefore provided.

Power to
order erection
of fire-escapes.

Proviso.

PROCEDURE.

44. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorders' court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; ser-

Legal pro-
ceedings.

Summons.

vice upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the state, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the state of New Jersey.

Judgment.

If execution issue.

Discharge.

Fines paid into state treasury.

Department of labor.

Consists of.

DEPARTMENT.

45. For the purpose of carrying into effect and enforcing the provisions of this act, there shall be and hereby is established a department to be known as the department of labor; the department shall have its main office in Trenton, and shall consist of a commissioner, an assistant commissioner and eleven inspectors; the governor shall, immediately after the passage of this act, with the advice and consent of the senate, appoint some suitable person who shall be a resident and citizen

of this state, as head of the said department, at a salary of twenty-five hundred dollars per year, to be paid monthly, whose term of office shall be three years and until his successor is appointed, and whose title shall be commissioner of labor; the commissioner shall, with the approval of the governor, appoint the assistant commissioner, who shall be an experienced machinist; he shall receive a salary of fifteen hundred dollars per year, to be paid monthly; the governor shall appoint eleven suitable persons as inspectors, two of whom shall be women, whose salary shall be one thousand dollars per year each, to be paid monthly; the terms of office of the assistant and the inspectors shall be three years unless sooner removed by the commissioner; the assistant and the inspectors shall each be furnished with certificates of authority by the secretary of state, and they shall produce the same if so required by any manufacturer; the commissioner shall have the power out of the appropriation made for the purpose of carrying on the work of the department, to purchase badges for the assistant, the inspectors and himself; the commissioner may divide the state into districts, assign inspectors to such districts, and may, in his discretion, transfer them from one district to another; the commissioner, assistant and inspectors may administer oaths and take affidavits in matters relating to the enforcement of this act; the commissioner shall have the right to employ such department clerks for carrying on the work of the department as may, in his judgment, be necessary; such clerks shall receive such salaries as the commissioner, with the approval of the governor, shall fix, to be paid by the treasurer on warrant of the comptroller in equal monthly installments; when the work of the department shall necessitate the employment of additional inspectors, the commissioner shall have the power to employ such inspectors at such compensation and for such length of time as he may deem necessary, and such extra inspectors shall have the same rights, powers and privileges as the inspectors appointed by the governor; all salaries and expenses incurred by the commissioner, assistant and all inspectors, in the discharge of their duties, and all salaries and expenses necessary to carry out the provisions of this act shall be paid from the funds of the

Commissioner
and assist-
ants; their
salaries.

State divided.

Clerical help.

Extra help.

Duties.

state out of the moneys appropriated for that purpose, by the treasurer upon warrant of the comptroller, upon presentation of proper vouchers for the same, approved by the commissioner; it shall be the duty of the commissioner to enforce the provisions of this act and to exercise supervision and control over the assistant and the inspectors, and to cause inspections to be made of the factories, mills, workshops and places where the manufacture of goods of any kind is carried on, by the assistant and the inspectors, as often as practicable, and to make a report of the work of the department to the governor of the state on or before the thirty-first day of October in each year; to prosecute violations of the provisions of this act in any district court, recorders' courts of cities and before any justice of the peace having due jurisdiction or in any other court of competent jurisdiction in this state; the commissioner, the assistant commissioner and the inspectors shall have the right at all reasonable hours to enter and inspect factories, mills, workshops and places where the manufacture of goods of any kind is carried on, and each inspector shall make a report in writing of such inspections to the commissioner at least once in each week; inspectors shall make out a list of minors discharged, with the name of child in full, residence, street and number, name of place from which such minor was discharged and date of discharge; he shall send or deliver within twenty-four hours, such list to the principal of the public school in the district where the minor resides or to the truant officer having such school district in charge; every deputy inspector shall devote at least eight hours of every working day except public holidays, and four hours on Saturdays, to the discharge of his or her duties as such deputy inspector, unless prevented by illness or other disability, and no deputy inspector shall engage in any business, occupation or employment during his or her term of office that will in any way interfere with or prevent the full and faithful performance of such duties.

**Right to enter
to inspect.****Inspector's
list furnished
school
authorities.****Hours of
service.****When act in
effect.**

46. This act shall be a public act and shall take effect on the first day of September, one thousand nine hundred and four.

Approved March 24, 1904.

CHAPTER 65.

An Act to consolidate with and annex to the city of Newark, in the county of Essex, the territory embraced within the bounds of the town of Bloomfield, in the county of Essex; *provided*, a majority of the votes cast in the said town upon the question of such annexation and consolidation shall be in favor thereof; and the mayor and common council of said city shall consent thereto.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. There shall be annexed to and made part of the city of Newark, in the county of Essex, all the territory embraced within the bounds of the town of Bloomfield, in the county of Essex; *provided, however*, that this act shall not operate to effect such annexation and consolidation unless a majority of the votes cast at a special election to be held in the said town of Bloomfield upon the question of such annexation and consolidation shall be in favor thereof; the said question shall be submitted to the legal voters of the said town, in the manner provided by law, at a special election which shall be held therein for that purpose on Thursday the seventh day of April, one thousand nine hundred and four; at least five days' notice of said election shall be given by the clerk of said town by public advertisement in at least two daily newspapers circulating in said town, or by posting printed notices thereof in at least ten conspicuous places therein, and if a majority of the votes upon the said question cast at the said election in the said town shall be in favor thereof, and said result shall be duly certified to the mayor and common council of said city, then, and not otherwise, the question

Bloomfield
annexed to
Newark.

Proviso.

Referendum.

of said annexation shall be considered and determined by the mayor and common council of the said city; and if said the mayor and common council of said city shall determine by resolution to accept said annexation, then this act shall become operative.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 66.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this state," approved April third, one thousand nine hundred and two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Section sixty-six of the act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this state," approved April third, one thousand nine hundred and two, is hereby amended so as to read as follows:

66. When by the laws of any other state or foreign country or the rules, regulations, requirements or impositions thereof, or of any department or officer thereof, any taxes, fines, penalties, licenses, fees, deposits of moneys or of securities or other obligations, prohibitions or restrictions additional to, or in excess of, those imposed by the laws of this state upon insurance companies of such other state or foreign country or their agents, are imposed on insurance companies of this state doing business in such other state or foreign country, or upon their agents therein, so long as such laws, rules, regulations, requirements or impositions continue in force, the same excess taxes, fines, penalties, licenses,

Section
amended.

Restrictions
imposed upon
foreign
companies.

fees, deposits, obligations, prohibitions and restrictions, of whatever kind, shall be imposed upon all such insurance companies of such other state or foreign country doing business within this state, and upon their agents here; and whenever pursuant to or under authority of the laws of any other state or foreign country, or the rules, regulations, requirements or impositions thereof, or of any department or officer thereof, or otherwise, the government of any such other state or foreign country, or any department or officer thereof, shall refuse to accept as conclusive the certificate of the commissioner of banking and insurance of this state as to the results of any examination he shall cause to be made of the assets and liabilities, method of conducting business and other affairs of any insurance company of this state, the said commissioner of banking and insurance of this state shall refuse to accept as conclusive any and all similar certificates made in or by, or by any department or officer of, such state or foreign country where the acceptance of the certificate of the commissioner of banking and insurance of this state is refused as aforesaid concerning any and every insurance company thereof; and if any insurance company of this state shall be refused or denied license, permission, privilege or authority to transact or to continue to transact its business in any other state or foreign country by reason of such refusal of conclusive acceptance of any such certificate of the commissioner of banking and insurance of this state, or if any insurance company of this state authorized to transact its business in this state, after complying with all the laws, rules, regulations, requirements or impositions of any other state or foreign country, or of any department or officer thereof, over and above such as would be met and fulfilled by the conclusive acceptance of such certificate of the commissioner of banking and insurance of this state, shall be refused or denied license, permission, privilege or authority to transact or to continue to transact its business in any such other state or foreign country, then and in every such case every insurance company of every such other state or foreign country where any such insurance company of this state is refused or denied license, per-

Action when
statement of
commissioner
not accepted
by foreign
state.

If license be
refused.

When
permission
annulled.

If companies
of this state
denied privi-
leges by
foreign state,
like action
taken by this
state.

mission, privilege and authority to transact or to continue to transact its business as aforesaid, shall be refused and denied license, permission, privilege and authority to transact or to continue to transact any business in this state, and any license or authority to it or them theretofore given shall be, by the commissioner of banking and insurance of this state, revoked and annulled; and whenever pursuant to or under authority of the laws of any other state or foreign country, or the rules, regulations, requirements or impositions thereof, or of any department or officer thereof, or otherwise, the government of any such other state or foreign country, or any department or officer thereof, shall refuse or deny license, permission, privilege and authority to any insurance company of this state to transact or to continue to transact its business in such other state or foreign country, if it shall be determined by the commissioner of banking and insurance of this state, whose determination thereupon shall be final and conclusive, that such refusal or denial of license, permission, privilege or authority as last aforesaid, is unreasonable or unfair, then the commissioner of banking and insurance of this state shall refuse or deny license, permission, privilege or authority to transact or to continue to transact any business in this state to each and every such company of every such other state or foreign country where any such insurance company of this state is so refused or denied as last aforesaid, and any license or authority to it or them theretofore given shall be by the commissioner of banking and insurance of this date, revoked and annulled.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 67.

An Act to release the title and interest of the people of the state of New Jersey in and to certain real estate, of which Joseph Thorpe and Margarett J. Thorpe died seized, in the city of Jersey City, in the county of Hudson and in the townships of Palisades, New Barbadoes and Harrington, in the county of Bergen.

WHEREAS, Joseph Thorpe, late of and for a long time a resident of the city of Jersey City, county of Hudson and state of New Jersey, departed this life at Jersey City aforesaid on the ninth day of November, one thousand nine hundred and two, seized of the property hereinafter described, and leaving him surviving his lawful widow, Ann Thorpe, and a daughter, Sarah Ann, now the wife of Henry Gray, of East Orange, Essex county, New Jersey, who was the lawful issue of marriage with the said Ann Thorpe, his next of kin and only heir-at-law; and

Preamble.

WHEREAS, The said Joseph Thorpe, at the time of his death, was living with a certain woman who purported to be the lawful wife of the said Joseph Thorpe, deceased, and who was known as Margarett J. Thorpe; and

WHEREAS, The said Joseph Thorpe, deceased, left a will dated the seventeenth day of July, one thousand nine hundred and two, in and by which will he gave, devised, bequeathed all of his property, both real and personal unto the said Margarett J. Thorpe; and

WHEREAS, The said Margarett J. Thorpe died on the seventh day of February, one thousand nine hundred and three, seized of the property hereinafter described, intestate and without issue, and leaving no heirs or legal representatives, by reason of which the said property hereinafter described has escheated to the state;

Land in
Jersey City.

First lot.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

I. All the right, title, interest, property, claim or demand of the state of New Jersey in and to all those certain lots, pieces or parcels of land situate, lying and being in the city of Jersey City, county of Hudson and state of New Jersey, and more particularly described as follows:

First piece—All those two certain lots, pieces or parcels of land and premises situate, lying and being in the city of Jersey City, in the county of Hudson and state of New Jersey, and which on a certain map entitled "Map of Chelsea," situated in Hudson City, Hudson County, New Jersey, surveyed and laid out into lots by John Foquet, surveyor and engineer of Jersey City, now on file in the register's (formerly clerk's) office of the county of Hudson, are known and distinguished as lots numbered nineteen (19) and twenty (20) on block numbered one (1); each lot being twenty-five (25) feet wide in front and rear, and one hundred (100) feet on each side, and fronting on the northerly line of Leonard street, as by reference to said map will more fully appear;

Second lot.

Second piece—All those certain lots, pieces or parcels of land situate, lying and being in the city of Jersey City, county of Hudson and state of New Jersey, which, on a certain map of the estate of Jane Anderson, deceased, on file in the office of the register of said county, and known and distinguished as commissioners' map number one (1), are known and distinguished as lots numbered eighty-six (86), eighty-seven (87), eighty-eight (88), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14) and fifteen (15), on plot B; also lots numbered fifty (50), fifty-one (51), fifty-two (52), fifty-three (53), fifty-four (54), fifty-five (55), fifty-six (56) on plot A, all fronting on Anderson street;

Two lots in
township of
Palisades.

Also all those two lots of land hereinafter particularly described, situate, lying and being in the township of Palisades, in the county of Bergen and state of New Jersey, known and designated on a certain map entitled "Map of William D. Snow's 1st addition to New

Milford, adjoining Peetzburg, Bergen county, New Jersey," made by Lozier, Hackensack, New Jersey, and duly filed in the clerk's office of said county of Bergen July second, one thousand eight hundred and ninety-two, as lots numbered one (1) and two (2), block four (4), said two lots taken together form a plot of forty-six and forty-five hundredths (46 45-100) feet wide in front, and one hundred and one and five-hundredths (101 5-100) feet in the rear, and one hundred and two and fifty-hundredths (102 50-100) feet deep on the easterly side, and about one hundred and six (106) feet on the westerly side, bounded northerly by the southerly line of lots six (6) and seven (7) of the same block, easterly by lot three (3) of the same block, southerly by Main street and westerly by Madison avenue, all as laid out on said map;

Also all that certain lot, piece or parcel of land and premises at Fairmount, in the township of New Barbadoes, county of Bergen and state of New Jersey, and known and designated on a certain map filed in the office of the clerk of said Bergen county on the eleventh day of July, one thousand eight hundred and ninety, entitled "Map of property at Fairmount, N. J.," adjoining Hackensack, owned by the Fairmount Land Company, as and by the lot number thirty-one (31) in block numbered twenty (20);

Also all those certain lots or parcels of land situate, lying and being in the township of Harrington, county of Bergen and state of New Jersey, known and distinguished on a certain map entitled "Plan of the Boston Land Company," filed in the office of the clerk of Bergen county, New Jersey, June seventh, one thousand eight hundred and ninety-two, by the lot numbers two hundred and sixty-nine (269), two hundred and seventy (270), two hundred and seventy-one (271), two hundred and seventy-two (272), two hundred and seventy-three (273), section C, block one (1), each lot being twenty (20) feet in width in front and rear and one hundred (100) feet in depth on each side, containing two thousand (2,000) square feet, together with the hereditaments and appurtenances thereunto belonging, is hereby remised, released, conveyed and confirmed

Lot at Fairmount.

Lot in township of Harrington.

Released to daughter.

unto the said Sarah Ann Gray, the only child and heir-at-law of the said Joseph Thorpe, deceased, and to her heirs and assigns forever, provided that the recitals of this act are true.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 68.

A Further Supplement to an act entitled "An act concerning disorderly persons" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Any person trespassing upon any marsh, swamp or meadow grounds lying within the bounds of any meadow bank company, organized or to be organized under the provisions of the act entitled "An act to enable the owners of the tide swamp and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair," passed November the twenty-ninth, one thousand seven hundred and eighty-eight, and the several supplements thereto, where the owners and possessors of the said marsh, swamp or meadow lands, lying within the bounds of any such meadow bank company, have caused or permitted or suffered, or shall hereafter cause or permit or suffer the same to be subjected to the overflowing of the tide, carrying a gun, after public notice on the part of the owner, possessor, lessee or licensee of any such marsh, swamp or meadow grounds subjected to the overflowing of the tide, forbidding such trespassing, such notice being posted conspicuously adjacent to the highway binding on said lands or adjacent to any usual entrance-way to said land, shall be deemed and adjudged to be a disorderly person.

Trespassing
on marsh
lands for
gunning
when notice
posted forbidding same.

2. Any person trespassing on any such lands mentioned in section one of this act, carrying a gun, after being forbidden so to trespass by the owner, possessor, occupant, lessee or licensee thereof, shall be deemed and adjudged a disorderly person.

Penalty.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 69.

An Act to authorize cities of the first class in this state to provide annual excursions for the children of the same.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful for the municipal board having charge of the finances of any city of the first class in this state to appropriate and set aside annually a sum of money not exceeding five thousand dollars in any one year for the purpose of providing an excursion or excursions for the children of the said municipality, and to raise, levy and collect said money so appropriated in the same manner as other taxes are levied and collected in said city.

Appropriation for excursions.

2. It shall be the duty of any such municipality to expend the said sum of money so appropriated as aforesaid in providing an excursion or excursions for the children of said municipality during the month or months of July or August in each year.

In summer.

3. And any provisions of the laws of this state requiring contracts in such city to be made with the lowest bidder, shall not apply to contracts made under the provisions of this act.

Proposals not required.

4. This act shall go into effect immediately.

Approved March 28, 1904.

CHAPTER 70.

An Act confirming, validating and legalizing deeds of conveyance of or for lands, tenements, hereditaments or real estate heretofore made and delivered by any administrator or administrators with the will annexed, or by any administrator or administrators de bonis non with the will annexed, or any substituted administrator or administrators, or by the survivor or survivors, or successor or successors of them, him or her, and making the record of said deeds admissible in evidence.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Validating certain conveyances and making same admissible in evidence.

i. Any deed or deeds of conveyance heretofore made and delivered by any administrator or administrators with the will annexed, or by any administrator or administrators de bonis non with the will annexed, or any substituted administrator or administrators, or by the survivor or survivors, successor or successors of them, him or her, of or for any lands, tenements, hereditaments or real estate sold pursuant to the power, permission or direction in the said will annexed given to or vested in the executor or executors named in the said will annexed, is and are hereby confirmed, validated, legalized and declared to be, and is and are and shall be as good, legal, valid and effectual, and the record thereof admissible in evidence, as fully and completely as if the said deed or deeds of conveyance had been or was or were made and delivered by the executor or executors named in the said will, although the terms of said sale have not been submitted to the orphans' court of the county in which the said lands or real estate lie or have not been approved by the said court, and although the provisions of the second section of the act entitled "A supplement

to an act entitled 'An act concerning executors and the administration of intestates' estates' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, regulating the sale of lands by administrators with the will annexed, or by administrators de bonis non with the will annexed, and defining their powers," approved April sixth, one thousand eight hundred and eighty-eight, or any part of said second section, have not been complied with, except where said will has expressly confided the exercise of said power of sale to some other person or persons named therein other than the executor or executors therein named.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 71.

An Act to amend an act entitled "An act authorizing the division of townships into street lighting districts and the erection and maintenance of street lights therein, and the election of street lighting commissioners in said district," approved May twenty-fifth, one thousand eight hundred and ninety-four.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

1. Sections two and four of an act entitled "An act authorizing the division of townships into street lighting districts, and the erection and maintenance of street lights therein, and the election of street lighting commissioners in said district," approved May twenty-fifth, anno domini one thousand eight hundred and ninety-four, be and the same are hereby amended to read as follows:

Sections
amended.

2. On the first Tuesday of June in each year the legal voters of any such district so designated are hereby authorized to meet for the purpose of electing three

Election of
commission-
ers of street
lighting.

persons, who shall be known and designated as commissioners of street lighting district number _____, and at said time the legal voters shall determine, by ballot, by the vote of the majority of those present and voting, the sum of money to be raised and expended within such district for the ensuing year for the erection and maintenance of street lights and the carrying out of the powers herein confirmed; the said meeting for the election of said commissioners and the determination of said sum to be raised shall be held at such public place within the district as the said township committee may designate, and notice of said time and place of such election shall be given by the township clerk and set up in at least three of the most public places within the said district ten days before the said election; that the polls on said election shall be open at _____ o'clock in the afternoon and close at seven o'clock in the evening; the voters there assembled, before any votes are cast, shall elect, by *viva voce* vote a judge, inspector and clerk of said election; *provided*, that nothing herein contained shall be taken to prohibit the said commissioners from adding to or expending in addition to the aforesaid yearly appropriation any surplus or excess remaining from the appropriations of the year or years previous.

Proviso.

4. The said commissioners are hereby empowered to expend said moneys for the purposes aforesaid and to make contracts for said district with electric light or gas companies for the lighting and maintenance of said street lights during their term of office; the sum to be paid by virtue of said contract shall not exceed the amount voted for at said election, in addition to any surplus or excess remaining from any previous appropriation, and the said commissioners are hereby empowered to determine what streets shall be lighted within said districts and where street lights shall be erected and the number of the same.

Amount.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

Approved March 28, 1904.

Repealer.

**Expenditure
of moneys.**

CHAPTER 72.

An Act concerning a publication setting forth the industrial and agricultural advantages of the state of New Jersey.

WHEREAS, The year one thousand nine hundred and four, anno domini, is an auspicious one for the state of New Jersey, and many exhibits of the products of our citizens will be made at the universal exposition commemorating the Louisiana Purchase, to be held at St. Louis; and

WHEREAS, It is proposed to publish for the Louisiana Purchase Exposition a work that will most fittingly set forth the advantages which the state of New Jersey presents for investment, residence, manufacturing, agricultural pursuits and employment; with a compendium of its established industries and institutions, notes of historical interest, state government, official reports, and much other important data and interesting statistics; and

WHEREAS, The fraternal rivalry of the states of our union for the increase of population, wealth and commercial standing has been recognized by our state legislature creating departments and bureaus to "in all suitable and lawful ways, foster and enlarge our manufactures and every other class of productive industry;" and

WHEREAS, The object of such publication will be to amplify this intention and to demonstrate in an impressive and lasting manner that the state of New Jersey is second to none in its progress and future possibilities;

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. The governor, comptroller and state treasurer be and they are hereby empowered to examine the publication now being prepared by Ellis R. Meeker, and if in

Preamble.

Examine,
procure and
direct dis-
tribution of
publication.

their opinion it contains such statistics and data as will suitably represent the state of New Jersey, to sanction and endorse the same as a public document, and authorize the printing therein of such official endorsement, and to direct the proper authority in charge of the New Jersey building at the Louisiana Purchase Exposition to afford adequate facilities for the distribution of copies thereof.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 73.

An Act authorizing the examination of the books and accounts of the several departments of government in cities of the first class, for the support and maintenance of which municipal appropriations are annually made.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful for the common council or other board required by law to make annual appropriations for the support and maintenance of the several departments of government in cities of the first class, in its discretion and at such times as it may by ordinance determine, to cause examinations to be made of the books and accounts of the said departments; and the officers, clerks and employes of such departments shall produce on demand all books of account, papers and vouchers called for and required in such examinations; and the result of such examinations shall be reported to the board requiring the same to be made.

2. This act shall take effect immediately.

Approved March 28, 1904.

Examination
and auditing
of city ac-
counts.

CHAPTER 74.

An Act to validate proceedings heretofore taken for the issue of bonds for public purposes in any borough of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. No proceedings heretofore taken in any borough in this state for the issuing of bonds for any public improvement therein shall be deemed invalid for any cause relating to the advertisements or notices of the election to be held for or against the issue of said bonds; *provided*, that the question of such issue was submitted to the voters of said borough at an election of which thirty days' previous notice was given by advertisements signed by the borough clerk, posted in at least three public places in such borough, and printed once each week for at least three weeks preceding the holding of said election in a newspaper published in said borough, if any such existed, or if none, then in a newspaper published in the county wherein said borough is situate, and circulating in said borough.

Validity of bond issue.

Proviso.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 75.

An Act to amend an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section forty-four of an act entitled "An act for the assessment and collection of taxes," approved April

Section amended.

Sale of dis-
trained goods
and chattels.

If no
purchaser.

Officer's
fees.

Section
amended.

Sale of prop-
erty for taxes.

eighth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

44. Where goods and chattels have been distrained, the collector shall give public notice of the time and place of sale and of the property to be sold, the name of the delinquent and the amount of his tax in default, at least five days previous to the day of sale, by advertisement posted in at least five public places in the taxing district where such sale is to be made; such sale shall be at public auction, and if practicable, no more property shall be sold than is sufficient to pay the tax, interest and costs due, and any surplus shall be returned to the owner; if there shall be no purchaser for the goods and chattels exposed for sale, they may be purchased for the benefit of the taxing district by any officer authorized; for serving warrant or notice thereof the collector shall receive fifty cents; for levying, seventy-five cents; for advertising sale, fifty cents; for selling, one dollar; for making an arrest, fifty cents, and in addition, two per centum of the amount of taxes collected, except in cities, where the addition shall be three per centum, all of which shall be added to and collected with the tax, and not otherwise.

2. Section fifty-one of the above-entitled act be and the same is hereby amended to read as follows:

51. When taxes on real property remain in arrears on the first day of July, in the year following the levying thereof, the collector or other officer charged by law in the taxing district with that duty shall enforce the tax lien by selling the land, or any part thereof sufficient for the purpose; he shall give public notice of the time and place of such sale, stating the names of delinquents and the land to be sold, amplifying the description in the duplicate if necessary to better identify the parcel, and the amount of the delinquent taxes thereon, by advertisement signed by him in a newspaper published in the taxing district or county where said land lies, once in each week for at least four weeks successively next preceding the day appointed for the sale; and in all taxing districts, except cities, shall cause copies of such notice to be set up in five of the most public places of the taxing district for the same period, one of which

must be on or near the premises to be sold, and where the post-office address is known to him shall mail a copy of such notice to the owner at such address, postage prepaid; *provided, however,* that such advertisement shall be published in the newspapers named in the charter of any municipality as the official papers thereof, and in the same number of papers in which the legal notices are required to be published by the act under which any municipality has been incorporated or is now governed; at the time and place fixed for the sale, and from time to time thereafter, the collector may adjourn the sale in his discretion or at the request of persons interested or for want of bidders, but for not more than eight weeks in the whole, and a short notice of each adjournment shall be published in said newspaper; he shall receive payment at any time before sale of any tax with the costs incurred up to the time of payment.

Proviso.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 76.

An Act to regulate the sale or prescription of cocaine, or of any patent or proprietary remedy containing cocaine, and prescribing penalties for the violation thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. No person shall knowingly sell, furnish or give away any cocaine, or any patent or proprietary remedy containing cocaine, except upon the prescription of a registered practicing physician, or of a dentist in his own practice, or of a veterinarian in his own practice; nor shall any such prescription be refilled; nor shall any physician or dentist prescribe cocaine, or any patent or proprietary remedy containing cocaine, for any person known to be an habitual user of cocaine; *provided,*

Selling or
furnishing
cocaine.

Proviso.

that the provisions of this act shall not apply to persons engaged in the wholesale drug trade, regularly selling cocaine to persons engaged in the retail drug trade.

Penalty.

2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail where said violation was committed, for a term of three months, or both, at the discretion of the court before which such offender shall be convicted.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 77.

An Act enabling and empowering cities now or hereafter acquiring their water-supply from artesian wells to construct connecting water-pipe lines and mains and artesian wells, and to purchase and erect or set up meters, machinery and other fixtures, and to purchase and condemn lands, waters and rights and otherwise to improve, enlarge and extend the water-supply and water-works plant of such cities.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Extension
of water
system.

1. It shall and may be lawful for the governing body of any city now or hereafter acquiring its water-supply from artesian wells, whenever, in its judgment, it shall deem it expedient so to do, to cause to be constructed an additional pipe line or main to connect such water-supply with any distributing reservoir within such city, or with water-supply pipes or mains at any point within such city, and to dig and construct artesian wells and to purchase and erect or set up meters, machinery and other fixtures in connection with and for the improvement of the water-supply and water-works plant of such city,

and to purchase and condemn lands, waters and rights and otherwise to improve, enlarge and extend said water-supply and water-works plant of such city; *provided, however,* that all such work shall be done and constructed by contract, after public bidding therefor, in the manner prescribed in the laws now governing such city.

Proviso.

2. In order to supply the funds required for the purposes mentioned in section one of this act, the governing body of such city is hereby authorized and empowered to issue water bonds of said city to an amount not exceeding two hundred thousand dollars, which bonds shall be sold at public sale for not less than par and accrued interest; and all moneys received from the sale of said bonds, including any premium or premiums, shall be used exclusively for such purposes.

Issue water bonds.

3. The bonds to be issued under the provisions of this act shall be payable in not more than thirty years from the date thereof, and shall bear interest at a rate not exceeding four per centum per annum and be of such denomination as said governing body shall determine, and shall be executed under the corporate seal of said city and the signature of the comptroller, city clerk and city treasurer, and may be either registered or coupon bonds as said governing body may direct; and said governing body may, from time to time, at the request and expense of the holders thereof, exchange coupon bonds for registered bonds or change the denomination of said bonds.

Time, rate, execution, etc.

4. In order to redeem such bonds at maturity, there shall be established in such city a sinking fund into which it shall be the duty of said governing body to pay or cause to be paid, annually, a sum equal to two per centum of the bonds issued under the provisions of this act, which sinking fund shall be appropriated, raised and provided by annual taxation or otherwise by said governing body and shall be under the charge and control of the sinking fund commissioners of such city by whatsoever name they may be called.

Sinking fund established to redeem bonds.

5. The interest on said bonds shall be paid semi-annually out of funds to be provided for that purpose,

Interest.

by way of taxation or otherwise, by said governing body.

Repealer.

6. This act shall be deemed a public act and shall take effect immediately, and that all acts and parts of acts inconsistent herewith, to the extent of such inconsistency only, are hereby repealed; *provided, however,* that this act shall not repeal or affect any other legislation, or proceedings thereunder passed or taken, for the purposes of authorizing or empowering cities to construct pipe lines and mains or otherwise improve, enlarge or extend the water-supply therein, and this act shall be deemed, and it is hereby declared to be additional legislation for such purposes.

Approved March 28, 1904.

Proviso.

CHAPTER 78.

An Act to amend an act entitled "An act for the punishment of crime" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

i. The seventy-sixth section of the act entitled "An act for the punishment of crime" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight, is hereby amended to read as follows:

76. Any person who shall wilfully or maliciously put, place, cast or throw upon or across any steam or electric railway any wood, stone or other matter or thing; or who shall wilfully or maliciously take up, remove or displace any rail, sleeper or other matter or thing belonging to any such railway; or who shall wilfully or maliciously turn, move or divert any switch or other machinery belonging to any such railway; or who shall wilfully or maliciously make or show, hide or remove, any signal or light upon or near to any such railway;

**Tampering
with railroad
or trolley line
a high mis-
demeanor.**

or who shall wilfully or maliciously cut, break or otherwise injure any trolley or electric wire used in the operation of any such railway; or who shall wilfully or maliciously do or cause to be done any other matter or thing to obstruct, upset, overthrow, derail, injure or destroy any engine, tender, carriage, car or truck running upon or used in the operation of any such railway, shall be guilty of a high misdemeanor.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 79.

An Act to amend an act entitled "An act to repeal sundry acts relating to associations not for pecuniary profit," approved March twenty-second, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act entitled "An act to repeal sundry acts relating to associations not for pecuniary profit," approved March twenty-second, one thousand eight hundred and ninety-nine, is hereby amended so as to read when amended as follows:

Section amended.

2. Nothing herein contained shall impair or annul any vested rights, privileges or powers heretofore obtained and used under authority of said acts or any of them, and all corporations which have heretofore availed themselves of the provisions of said acts may continue to enjoy the rights and advantages which they now enjoy and exercise by virtue thereof, including the right to become and be dissolved as provided in section one of an act entitled "Supplement to an act entitled 'An act to incorporate benevolent and charitable associations,' approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March twelfth, one thousand eight hundred and seventy-eight

Preservation
of right of
dissolution.

Purpose of
act.

(General Statutes, page one hundred and fifty-one); and it is hereby declared to be the true meaning and purpose of section two of the said act approved March twenty-second, one thousand eight hundred and ninety-nine, of which this act is amendatory, to thereby reserve and continue unimpaired the said right of dissolution as fully and completely as though the same had not been passed; and any and all acts and proceedings of any such corporation or association for the purpose of dissolution at any time heretofore or hereafter had or taken in conformity with the provisions of the said act approved March twelfth, one thousand eight hundred and seventy-eight, shall be deemed and taken to be valid and effectual for such purpose; and upon filing a certificate of consent as therein directed the secretary of state shall issue a certificate that the same has been filed, and any such corporation shall thereupon be dissolved.

Repealer.

2. All acts and parts of acts contrary to or inconsistent with the provisions of this act are hereby repealed.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 80.

An Act to amend section nine of chapter thirty of the laws of one thousand eight hundred and ninety-seven entitled "An act relating to and providing for the government of cities of this state, containing a population of less than twelve thousand inhabitants."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section
amended.

1. Section nine of chapter thirty of the laws of one thousand eight hundred and ninety-seven entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," which reads as follows:

9. "In case of death, resignation, disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward of any of the officers, or any vacancy in any office except mayor, councilmen or justice of the peace, it shall be lawful for the common council to appoint others in their stead until the next city election, or in case of appointed officers until the regular period for appointment who shall, during the said term perform like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter," be and the same is hereby amended so as to read as follows:

9. "In case of death, resignation, disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward of any of the officers, or any vacancy in any office except mayor or justice of the peace, it shall be lawful for the common council to appoint others in their stead until the next city election, or in case of appointed officers until the regular period for appointment, who shall, during the said term, perform like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter."

2. This act shall take effect immediately.

Approved March 28, 1904.

Section
quoted.

Vacancies
filled by
common
council.

Proviso.

CHAPTER 81.

A Supplement to an act entitled "A general act relating to boroughs" [Revision 1897], approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Members of
borough
sinking fund.

Proviso.

1. It shall be lawful for the borough council of any borough in this state to provide by ordinance that the commissioners of the sinking fund of any such borough shall consist of five members, and be invested with all the powers and subject to all the duties set forth in the act to which this is a supplement, and to provide that the persons appointed as such commissioners shall be freeholders within said borough, and residents within the state of New Jersey; *provided*, that a majority of such commissioners shall be residents of the borough; and of the five commissioners so appointed one shall hold office for five years, one for four years, one for three years, one for two years and one for one year, and all commissioners thereafter appointed shall hold office for the term of five years; and in all boroughs adopting ordinances in pursuance of the provisions of this act, the term of office of all sinking fund commissioners theretofore appointed shall cease and determine.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 82.

An Act to amend an act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section six of the act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

6. The salaries of the judges of said courts shall be fixed as follows: In cities having two hundred thousand inhabitants or over, an annual salary of four thousand dollars; in cities having one hundred thousand inhabitants or over, an annual salary of three thousand dollars; in cities having between twenty-five thousand and one hundred thousand inhabitants, an annual salary of two thousand five hundred dollars; in cities having between twenty-three thousand and thirty-five thousand inhabitants, an annual salary of two thousand dollars; and in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of twelve hundred dollars.

Section amended.

Salaries of
district court
judges.

2. Section eight of the act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

Section amended.

8. The salaries of the clerks of said courts shall be fixed as follows: In cities having two hundred thousand inhabitants or over, an annual salary of two thousand dollars; in cities having one hundred thousand inhabitants or over, an annual salary of one thousand dollars.

Salaries of
clerks of dis-
trict courts.

ants or over, an annual salary of fifteen hundred dollars; in cities having between thirty-five thousand and one hundred thousand inhabitants, an annual salary of twelve hundred and fifty dollars; in cities having between twenty-three thousand and thirty-five thousand inhabitants, an annual salary of nine hundred dollars; in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of six hundred dollars; which salaries of such clerks shall be in lieu of all other fees whatsoever.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 83.

An Act to repeal sundry statutes.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

Sundry
statutes
repealed.

As to minors
and women.

As to
operatives
in workshops.

I. The following statutes, together with the supplements thereto and acts amendatory thereof, as herein-after stated, are hereby repealed:

I. Relating to the age and employment hours of labor of children, minors and women.

"An act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March fifth, one thousand eight hundred and eighty-three; and the acts supplementary thereto, approved April seventeenth, one thousand eight hundred and eighty-four; March twenty-second, one thousand eight hundred and eighty-six; April twenty-fourth, one thousand nine hundred and two.

II. Relating to factories and workshops and the employment, safety, health and work hours of operatives.

"A general act relating to factories and workshops and the employment, safety, health and work hours of operatives," approved April seventh, one thousand

eight hundred and eighty-five; and the acts supplementary thereto, approved May sixth, one thousand eight hundred and eighty-seven; May thirteenth, one thousand eight hundred and eighty-nine; March seventeenth, one thousand eight hundred and ninety-three.

III. Relating to the duties of factory and workshop inspector.

As to duties
of factory
inspector.

"An act to further define the duties of factory and workshop inspector, and to include in the same the inspection of mines and the making and enforcement of regulations in respect to the operation of the same with increased safety to those employed therein," passed April eighteenth, one thousand eight hundred and ninety-four.

2. The repeal of the above-stated acts and parts of acts shall not revive any act, or any part of any act, which may have been repealed by any of the acts hereby repealed.

Effect of
repeal.

3. This act shall take effect September first, one thousand nine hundred and four.

When
effective.

Approved March 28, 1904.

CHAPTER 84.

A Supplement to an act entitled "An act constituting courts for the trial of small causes" [Revision of 1903], approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Where a judgment shall have been heretofore or shall be hereafter obtained in any small cause court against two or more defendants, any one of said defendants may appeal therefrom, and any appeal heretofore or hereafter taken therefrom by a single defendant shall be valid without any summons or order of severance or leave to prosecute said appeal alone from the appellate

One of
several de-
fendants
may appeal.

Proviso.

court; *provided*, said appeal shall have been or shall be taken by said appealing defendant by the filing of a bond and notice of appeal within the time prescribed by the act to which this is a supplement.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 85.

A Further Supplement to an act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," approved March twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Maintain sewerage system by general taxation.

1. In any city incorporated under this act, maintaining and operating a sewerage plant or system, it shall be lawful for the governing body of said city to maintain said sewerage plant or system by general taxation, and for that purpose, if necessary, may include in the taxes to be assessed each year for the maintenance of said city a special sewer tax, which shall be a first lien on the property against which it is assessed, and shall be assessed and collected at the same time and in the same manner as the general taxes of said city are assessed and collected, and shall have like remedies and proceedings thereon for the collection thereof.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 86.

An Act to amend an act entitled "An act to authorize cities bordering on the Atlantic ocean to purchase lands in any such city bordering on the ocean and adjacent lands thereto in such city for public purposes, and to improve the same and to issue bonds for such purposes," approved March twenty-third, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section three of the act to which this act is an amendment is hereby amended so as to read as follows:

Section amended.

Power to
erect build-
ings on public
property.

3. Said commissioners of public grounds shall have full power to erect public buildings on said grounds and have entire supervision and control of all parks and public places, except the streets and avenues of said city, including all lands now owned by said city and the improvements thereon, or which may hereafter be acquired by purchase or condemnation for the uses aforesaid, and all improvements, alterations, repairs and expenditures made in or upon or on account of said parks, places and lands shall be made, conducted and directed by the said public grounds commissioners, and said commissioners may employ such necessary agents and employes as may, in their judgment, be necessary for the proper care, management and improvement of said property; said public grounds commissioners shall receive and deposit with the treasurer of said city all moneys paid as rents or otherwise on account of said public parks, places or lands upon receipt thereof.

2. Section four of said act be and the same is hereby amended to read as follows:

Section
amended.

Public enter-
tainment.

Bath-houses.

Recreation
pier.

4. For the purpose of paying the principal and interest on said bonds as the same shall become due, and for the purpose of erecting, constructing and maintaining buildings, pavilions, piers, roadways and walks, and for the general improvement of the said public parks and places of public resort the said public grounds commission shall have the right to set apart one or more places or pavilions on said public grounds for the purpose of holding concerts or entertainments therein by bands or otherwise, to which a reasonable admission fee may be charged, the proceeds of which said concerts or entertainments to be used and applied for the purposes as aforesaid, and the said commissioners are also authorized, in the event of inability on their part to rent the bathing grounds and bath-houses of any city, operating under this act, to prevent great public inconvenience and loss to the city, to operate the same until the same can be properly leased or rented to private persons, and for that purpose may provide such matters and things as are necessary to be used and employed in the operation and conduct of said bathing grounds, and may employ such necessary agents and employes as, in their judgment, will be required for the proper care and management of said grounds and the improvement of the property thereon; and said commissioners of such city are also hereby authorized to lease, hire or rent any part of the property so acquired for any special term not exceeding three years and for any purpose not inconsistent with the laws governing such city, as in their judgment may seem proper for the improvement of the same, and in addition thereto shall have the right to rent space for the erection or construction of a pier or piers, which said lease may be for any period not exceeding twenty years, and shall be made only with the consent and approval of the mayor and council, or other governing body of said city, and for such rental or return as they may deem for the best interest of said city; that the money received for such leases and privileges shall first be applied in the payment of operating expenses and such necessary repairs and improvements in said public parks, as the said commissioners may make upon such lands, from time to time, and the balance shall be applied

to the payment of the interest and principal of said bonds as they become due.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 87.

An Act to repeal so much of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, that repeals or affects in any way the act entitled "A further supplement to the act entitled 'An act to encourage the establishment of mutual loan and building associations,' approved February twenty-eighth, one thousand eight hundred and forty-nine," which said supplement was approved March twentieth, one thousand eight hundred and seventy-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. So much of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, and all of the sections thereof, that repeal or affect in any way the act entitled "A further supplement to the act entitled 'An act to encourage the establishment of mutual loan and building associations,' approved February twenty-eighth, one thousand eight hundred and forty-nine," which said supplement was approved March twentieth, one thousand eight hundred and seventy-four, be and the same are hereby repealed, and that said supplement shall have the same force and effect as if said act had not been passed, and the same is hereby ratified and confirmed.

Repeal of certain act as pertains to mutual loan and building associations.

2. This act shall take effect immediately.

Approved March 28, 1904.

Freeholders
may issue
road im-
provement
bonds.

Time; rate.

Interest and
principal
met.

10. The board of chosen freeholders may, instead of certifying to the county board of assessors the two-thirds cost of any work done under this act, as required by the ninth section of this act, by resolution, adopted by a vote of at least two-thirds of all its members, issue bonds of the county for two-thirds of the estimated cost of said work, which bonds shall be designated as "road improvement bonds," and shall be for such sums and in such amounts, payable in not less than six nor more than thirty years from date thereof, with interest at a rate not exceeding five per centum per annum, payable annually or semi-annually, as said board of freeholders, by said resolution, may determine; said bonds shall be signed by the director of the board of chosen freeholders and by the county collector, sealed with the seal of the board, properly numbered, and a registry thereof kept by the board, and may be either coupon or registered bonds, and, if coupon bonds, the coupons shall be signed by the director of the board, and shall be numbered to correspond to the several bonds to which they shall be severally attached; the board of freeholders shall, when bonds are issued under the provisions of this section, certify to the county board of assessors, in each and every year so long as any of said bonds remain outstanding, a sum sufficient to pay the interest accruing on said bonds for said year and the principal of any bond or bonds that shall mature in said year, and the said county board of assessors shall include the said sum in the annual tax levy or assessment for said year, and the same shall be collected and paid over in the same manner and at the same time as other county taxes.

Approved March 28, 1904.

CHAPTER 91.

An Act respecting the widening and improving of the streets and thoroughfares of cities in this state, and providing for the payment of the expenses of the same.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In addition to any power now vested in any board or body having control of the streets and highways of any city of this state, said board or body shall have further power and be vested with all the rights and powers necessary thereto, upon petition signed by fifty owners of property located within said city with the approval and consent of the board or body having control of the finances of said city and also with the approval and consent of the mayor of said city, to cause to be widened and improved for its whole length or such part of its length as shall be specified in said petition, any street or thoroughfare in such city under the provisions of this act in manner following, and all proceedings taken hereunder shall refer to this act by its chapter number, and this act shall not be construed to affect the proceedings now provided by law regulating the subject-matters herein named, nor shall the proceedings which may be taken under the provisions of this act be abridged by the provisions of any previous act.

Widening
and improv-
ing streets.

2. When in the widening of any street or thoroughfare or part thereof under the provisions of this act it becomes necessary to lay out or establish grades, and grade, pave, curb and flag any portion or the whole of the same, such board or body may cause the same to be done.

Fix grades,
etc.

3. When a petition as aforesaid shall be presented to the board or body having control of the streets and

Upon presen-
tation of
petition.

Method of procedure.

highways in any city of this state, setting forth the name of the street or thoroughfare which it is desired to widen and improve and whether for its full length or a particular part, and to what width it is to be widened, and in what manner improved, then said board or body may proceed to widen and improve such street or thoroughfare as follows: they shall in the first place direct their proper officers to make a survey, map and specifications of such street or thoroughfare describing therein the part to be widened and improved and the lands adjoining to be taken for the purpose of widening such street or thoroughfare, including the courses and distances and the various improvements and buildings through which the same will pass, and also the names of the several owners of lands proposed to be taken therefor, so far as the same can be conveniently ascertained and showing the width of such street or thoroughfare, which shall not exceed one hundred and fifty (150) feet in width, together with a preliminary estimate of the amount of materials and work necessary to carry out the desired improvement, and after the completion of such survey, map and specifications and its adoption by said board it shall be first submitted to the board or body having charge of the finances of said city for their approval, and if approved by said last-mentioned board or body it shall then be submitted to the mayor of said city for his approval and if approved by him, the said survey and map shall be returned to the board or body having charge of the streets and highways of said city approved; if such survey, map and specifications shall be disapproved by either the board or body having charge of the finances of said city, or by its mayor, then the same shall be forthwith returned to said board or body having charge of the streets and highways of said city together with the reasons for the disapproval of the same, and said last-named board shall proceed to consider said reasons and by resolution order such changes or alterations to be made as to said board shall seem proper, and such amended survey, map and specifications shall then be submitted as above directed.

If approved.

If disapproved.

for approval of said board or body having control of the finances and said mayor of said city.

4. When said survey, map and specifications as originally made or amended shall have been approved by said board and mayor, the same shall be considered adopted by said city and said board or body having control of streets and highways in said city shall declare by resolution, that said street shall be widened and improved in accordance with the provisions of this act to the extent shown in said survey, map and specification, and such board, their agents and employes, shall have full power at all times to enter upon any lands for any of the purposes contemplated by this act; and any land and real estate deemed necessary by the said board for the widening and improving of such street or any part thereof, may be taken therefor, and the value and damage assessed be allowed for the same, in the manner herein provided, that is to say, the said board or body having charge of the streets and highways in said city shall immediately by petition in writing signed by the president or head officer and clerk of said board, make application to a justice of the supreme court of this state for the appointment of three commissioners, and upon such application when so presented, said justice shall make an order fixing a time and place when said commissioners shall be appointed which time shall not be less than fifteen days from the making of the application, which order shall be published in at least one newspaper published and circulating in said city and in such other manner as such justice shall direct, for a time not less than fifteen days, at which said time and place upon satisfactory evidence of the publication of such order as aforesaid, he shall appoint under his hand three discreet and impartial freeholders and residents of the city, commissioners to examine and appraise the land, real estate and other property to be taken for the widening and improving of said street, and the damages to be done to the owner or owners thereof by taking the same, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment either personally or by publication or otherwise;

When
approved,
resolution
to proceed.

Acquire
property.

Apply to
court for
commis-
sioners.

To appraise
property
taken.

and it shall be the duty of the said commissioners having first taken and subscribed an oath or affirmation faithfully and impartially to discharge the duties of their appointment (which oath or affirmation shall be filed with the clerk of said city) to meet at the time and place appointed in said notice and proceed to view and examine the said lands, real estate and other property, to be taken in widening and improving said street, and to make a just and equitable estimate and appraisement of the compensation and damages each owner of the real estate and land to be taken will sustain by reason of such taking, considering in such appraisal the condition in which each owner's parcel will be left after taking so much thereof as will be necessary for said widening, and the benefits which will result from the widening of such street to the owner or owners of such land and real estate, and when the estates in any of said lands and real estate are not known they shall appraise the compensation to be made for the damages to be done to the fee-simple, and separate appraisals shall be made for each separate tract, and said commissioners or any two of them, shall, within six months from the date of their appointment make their reports in writing, which shall contain a description of each separate tract of land and real estate taken, and be under their hands and seals, and shall file the same within ten days thereafter in the clerk's office of the county in which said city is situated, to remain on record therein, together with their appointment and proof of notice aforesaid; a copy of which report, certified by the clerk of the county under his seal of office, shall be filed with the clerk of said board or body having charge of the streets in said city, and be by him presented to the said board at its next regular meeting, and thereafter such report shall remain of record in his office, and thereupon, and on the payment or tender of payment of the amount awarded as hereinafter provided, the said city is hereby empowered to enter upon and take possession of the said lands and real estate, and the said report or a copy thereof, certified by the clerk of said county and proof of payment or tender of the amount awarded, shall at all times be

Estimate
damages.

Report.

Tender of
amount
awarded as
evidence to
enter on
property.

construed as evidence of the right of said city to have, hold, use, occupy, possess and enjoy the said lands and real estate for the purpose of said street; and the said justice of the supreme court shall, upon application of either party, and upon reasonable notice to the other, tax and allow such costs, fees and expenses to the commissioners, county clerk or others performing any of the duties prescribed in this section, as he shall deem equitable and right, which shall be paid by said city upon certificate of said justice; *provided*, that if for any reason the said commissioners are unable to appraise the compensation and damage for the taking of any land and real estate within the six months above mentioned, the said commissioners may make report, or supplemental report or reports, within such further time or times as the said justice on the application of the said board may direct; *and provided*, that if any or all of said commissioners shall die, or for any other reason shall be unable to make such report, then the said justice or any justice of said supreme court, upon like notice may appoint other freeholders qualified as aforesaid, in the place or stead of the commissioners so deceased or otherwise unable to act, who, after taking oath or affirmation as aforesaid, shall proceed as if originally appointed; *and provided further*, that should any such board or body last aforesaid acting under the provisions of this act, or the owners of any land or real estate, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of said county at any time within thirty days after the filing of the said report by the said commissioners.

5. Every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court and filed with the clerk of said circuit court of such county at the next term of said court to be holden in said county; which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the

Proviso.

Proviso.

Appeal to
circuit court.

Costs of
suit.

premises to be had, and the said issue may be tried in the same manner as other issues in said court are tried, and upon such notice as the court shall order, and if such jury shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said city, but if the jury shall be applied for by the said owner or owners, and shall not find a larger sum than the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor as the said court shall direct, but such application shall not prevent the said board or body having charge of streets in said city from taking the said lands upon the filing of the said report as aforesaid;

Proviso.

provided, that in no case whatever shall said city enter upon or take possession of any land of any person or persons except to make survey and maps as aforesaid, until they have paid or tendered the party or parties entitled to receive the same the amount assessed by the commissioners as the value of said lands and damages, but in no case shall the proceedings of appeal stay the entry upon and possession by said city of the lands and real estate so as aforesaid taken and appraised in the widening and improving of said street;

Proviso.

and provided also, that if any party entitled to the payment of the amount so as aforesaid assessed, shall refuse to receive the same, or be out of the state, or under legal disability, or such lands or real estate be encumbered by any judgment, mortgage or other lien, then the amount assessed as aforesaid shall be paid into the court of chancery of this state, and shall be distributed according to law, and such payment into court shall be taken and deemed a valid and legal payment.

Taking of
building in
whole or part.

6. Where the widening of such street shall take in whole or in part any building, said commissioners may determine, as to them shall seem most just, to take the whole of said building or so much thereof as stands on the lands required for widening of such street, or to require the owner or owners thereof to move it back

from and outside of the line of said street, in case the owner or owners have land enough left for that purpose, and the appraisement of said commissioners, having due regard to all attendant expense, shall be made accordingly, also estimating and considering the amounts likely to be realized from the sale of any building or part thereof to be taken or disposed of for or on account of the widening of said street.

7. All work and material over and exceeding five hundred dollars in value done, furnished in and about the widening and improving such street, shall be done or furnished by contract after advertisements in the manner provided by law in such city for the awarding of contracts for street improvements.

Work by
contract.

8. The cost of the widening and improvement contemplated by this act, including all the expenses of the work, and such sum or sums of money as may be necessary to acquire any real estate or easements therein for the purposes of this act, shall be borne by the city at large, and said city shall provide for the payment thereof as hereinafter provided.

Expense
borne by city.

9. In order to raise money necessary to pay the costs and charges and expenses of widening and improving such street in accordance with the provisions of this act, including money necessary to pay for awards of the commissioners or findings of juries as herein provided, the board or body in such city having charge of the finances is hereby authorized and empowered, from time to time, either before or while the improvement provided for as aforesaid is in progress, to issue and sell bonds of said city, in such sums as the said board having charge of the finances of said city may deem proper, but not to exceed the costs and expenses of said improvement, payable in not more than forty years from the date thereof, and bearing interest at a rate not exceeding four per centum per annum, and to be of such denomination as said board or body having charge of the finances of said city may determine, and which bonds may be either registered or coupon bonds, as such board may determine, and the same may be made payable, both principal and interest, at the office of the city clerk of said city; that the moneys realized from

Issue bonds
to meet
expense of
widening
street.

Time and
rate.

Proviso.

Provision
for paying
principal
and interest.

said bonds shall be paid to the treasurer of said city and be by him applied to the payment of the costs, charges and expenses of, in and about the widening and improving of such street, as directed by resolution of the said board having charge of the finances of said city; said bonds shall be signed by the proper officers of said city and be sealed with the corporate seal of said city; *provided*, that the issue of such bonds, in all, under this act shall not exceed one and one-half per centum of the assessed value of the real estate in said city.

10. For the purpose of discharging the bonds issued under the provisions of this act, as they mature, and for the payment of the interest thereon, the board or body having charge of the finances of said city shall each year place in the tax levy of said city, for such year as long as such bonds shall run, a sufficient sum to pay all interest on such bonds falling due during such year, and also to pay such per centum of the principal of such bonds as said board may determine, which per centum so raised shall be paid annually to the board or body having charge of the sinking fund of such city, for the purpose of paying said bonds as they may become due; and said board shall also place in the tax levy of such city a sufficient sum to pay the principal of any of the said bonds falling due in any year as may not be provided for by the said sinking fund, and the said sum ordered to be levied and provided shall be levied and raised in the same manner as other city taxes are levied and raised.

Poles in
street.Engineer of
improve-
ments.

11. When any such street shall have been widened and improved in accordance with this act, no telegraph wires, telephone wires, trolley feed wires or wires of any other description or poles of any character, except iron standards or iron poles which may be necessary for street lighting and iron poles or standards and wires for overhead trolley systems, shall be allowed above ground.

12. Said board or body having control of the streets and highways, with the approval and consent of the board or body having control of the finances of said city, and also with the approval and consent of the

mayor of said city, for the purpose of carrying this act into effect, may employ an engineer, and fix his compensation, and his tenure of office and employment shall be during and at the pleasure of the board or body having control of the streets and highways in said city.

13. In case said street or thoroughfare shall be occupied by any trolley or street railway company, the said municipality is hereby authorized to make such agreement with such company in relation to said improvement as may be mutually agreed upon between said municipality and said company.

14. None of the foregoing provisions of this act shall take effect in any city in this state until the acceptance or rejection of this act shall have been submitted as herein provided to a popular vote in such city; such submission shall be made, and the vote hereinafter provided for taken, at the next general election for members of the general assembly in the county in which such city is located; it shall be the duty of the county clerk at least ten days before such election to give public notice by publication in one or more of the newspapers published and circulating in such city, that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein to be provided, and it shall be the duty of said clerk to provide ballots sufficient in quantity for the legal voters of said city, not less than five to each legal voter, as the number of voters appears by the last preceding election, to make distribution thereof as far as practical in the manner provided by law for the distribution of other ballots at such election, and every such ballot shall contain either the words "For the new widening and improving bill" or the words "Against the new widening and improving bill," and an equal number of each kind of ballots shall be so printed and distributed; and the legal voters of such county may at such election decide upon the acceptance or rejection of such act by the use of such ballots; such ballots shall be cast at such election separate and distinct from the other ballots used at such election, and shall not, except as herein provided, be regulated by the laws regulating ballots used in the election of public officers; such ballots, how-

Agreement
with car
company.

Referendum.

Notice of
submitting
question.

Ballots.

Determina-
tion of result.

Returns
tabulated.

ever, shall be deposited, when offered, without being enclosed in an envelope, by any legal voter, in the ballot-boxes used at such election for the election of public officers; and all ballots so cast for or against this act shall be counted and the result thereof read by the election officers holding such election as herein provided; and the acceptance or rejection of this act shall be determined by the result of such election; and if there shall be found on a canvass of all the votes cast for or against the acceptance of this act, a majority of ballots in favor of this act, then this act, but not otherwise, shall take effect immediately in such city; the return and certificate of the result of the votes cast in every election district or voting precinct in such city for and against the acceptance of this act shall be filed after the close of the election by the officers conducting the same with the clerk of the county wherein such election is held; and it shall be the duty of such clerk to tabulate the said returns and canvass the votes so cast in all the election districts in said city and certify upon such tabulated statement the number of votes cast for the acceptance of this act, and the number cast against the acceptance of this act, and he shall file such tabulated statement with a certificate thereof in his office there to remain of record.

15. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 92.

A further Supplement to an act entitled "An act to enable counties which have no county hospital to assist in maintaining hospitals located in such county," approved April twenty-sixth, one thousand eight hundred and eighty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act to which this is a supplement be amended so as to read as follows:

Section
amended.

1. It shall and may be lawful for the board of chosen freeholders of any county of this state which has no hospital located therein maintained by such county, other than the hospital or sick ward of the county poorhouse, to make an appropriation of a sum of money, not exceeding fifteen thousand dollars each year, in the same manner that appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of such county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals supported by private charity and located in such county; *provided*, that the sum so appropriated be used and applied for the benefit, comfort, and maintenance of such patients, inmates of such hospital, as are residents of said county at the time of being sent to said hospital.

Counties
may contrib-
ute to support
of hospitals.

Amount.

Proviso.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 93.

An Act appropriating money for erecting tablets or monuments on the battle-grounds of Elizabethtown, Connecticut farms and Springfield.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Five thousand dollars are hereby appropriated out of the state fund for the erection of monuments or tablets, suitably inscribed, to mark points of special interest on the battle-grounds of the Revolutionary war known as Elizabethtown, Connecticut farms and Springfield, in the county of Union; *provided*, that such sum shall be included in the annual appropriation bill.

Appropri-
ation.

Proviso.

2. Said sum shall be paid to, and upon the requisition of three commissioners to be appointed by the gov-

How ex-
pended.

Report.

ernor, who are hereby authorized to receive and expend the same and any additional sums that may be donated by individuals, for the purpose aforesaid; and upon the completion of their duties said commissioners shall report, in writing, to the governor their proceedings by virtue of this act.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 94.

A Supplement to an act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Taking oath
prior to term
of office valid.

1. Any elective officer heretofore elected in any city governed by the provisions of the act to which this is a supplement who shall have taken and subscribed, prior to the time of the commencement of his term of office, the oath or affirmation in the manner and form prescribed in section ten of the act to which this is a supplement, shall be deemed to have fully and properly qualified as such elective officer and shall be entitled to serve for the full term of the office to which he shall have been elected.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 95.

A Supplement to an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Where the proceedings taken by any city of this state for the construction of any sewers, drains or receiving-basins have been, or may hereafter be informal and defective, or informal or defective, and by reason whereof such cities are, or may hereafter be embarrassed in the making and collection of the cost and expense thereof, or in the making and collection of any part of the cost and expense thereof, it shall be lawful for the circuit court of the county wherein such city is situate to appoint three commissioners, as provided for by section two of the act to which this act is a supplement, to estimate and assess upon the lands and real estate, especially benefited by the construction, building and laying of any such sewers, drains or receiving-basins, to the extent of the especial and peculiar benefits received by said lands and real estate, the whole or such part of the cost and expense of the construction, building and laying of any such sewer, drain or receiving-basin, or any or either of them, with the necessary appurtenances thereto, as may not have been properly assessed, and the procedure in relation to such assessment shall thereafter in all particulars be the same as prescribed by the act to which this act is a supplement.

Procedure in
case action
has been
defective.

Commission-
ers appointed
to assess
benefits.

2. All acts and parts of acts inconsistent with the foregoing act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 28, 1904.

CHAPTER 96.

An Act to provide for the incorporation and regulation
of Provident loan associations.

BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:

Formation
of provident
loan asso-
ciations.

Certificate of
incorporation.

Name.

Location.

Object.

Capital
stock.

Distinct
name.

1. Upon executing, recording and filing a certificate pursuant to this act any three or more persons, citizens of this state, may become an incorporated association for the purpose of aiding such persons as shall be deemed in need of pecuniary assistance by loans of money, at interest, not exceeding two hundred dollars to any one person, upon a pledge or mortgage of personal property.

2. The certificate of incorporation shall be signed in person by all the subscribers to the stock named therein, and shall set forth:

I. The name of the association;
II. The city or other municipality where it is to be located and its business transacted, which shall be within this state;

III. The object for which it is formed;
IV. The amount of the total authorized capital stock of the association, which shall not be less than two thousand dollars, and the number of shares into which the same is divided, and the par value of each share; the amount of capital stock with which it is to commence business, which shall not be less than one thousand dollars; also the number of shares subscribed for by each of the incorporators.

3. The name assumed by any such association shall not be so nearly like that of any other association as to deceive the public and the words "Provident Loan Association" shall form a part thereof, and such name shall be approved by the commissioner of banking and insurance.

4. The certificate of incorporation shall be proved or acknowledged as required for deeds of lands and recorded in the office of the clerk of the county where the association is located, and after being so recorded shall be filed in the department of banking and insurance, and said certificate, or a copy thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places; upon making, recording and filing such certificate the persons so associated and their successors and assigns shall, from the date of such filing constitute a body corporate by the name set forth in such certificate, with all the powers mentioned in the first section of the act entitled "An act concerning corporations" [Revision of 1896], except such powers as may be inconsistent with the provisions of this act.

Incorporation recorded with county clerk; copy with commissioner of banking.

5. The business of every such association shall be managed by its directors, who shall respectively be shareholders thereof; they shall be not less than three in number, and shall be chosen annually by the stockholders at the time and place provided in the by-laws, and shall hold office for one year and until others are chosen and qualify in their stead.

Directors.

6. Every such association shall have a president, secretary and treasurer, who shall be chosen by the directors, and shall hold their offices until others are chosen and qualify in their stead; the president shall be chosen from among the directors; the secretary shall be sworn to the faithful discharge of his duty and shall record all the votes of association and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; the treasurer shall give bond in such sum and with such surety or sureties as shall be required by the by-laws for the faithful discharge of his duties; the association shall have such other officers, agents and factors, who shall be chosen in such manner and hold their office for such term, as shall be prescribed by the by-laws; all vacancies in the board of directors or any office shall be filled by the board for the unexpired term.

Officers and agents.

7. Every such association shall be subject to and governed by the provisions of "An act concerning corporations" [Revision of 1896], as to its first meeting, the

Laws governing association.

right of stockholders to vote by proxy, certificates of stock and their transfer, the liability of stockholders for unpaid subscriptions to stock and the method of enforcing the same, amendments to the certificate of incorporation, the increase and decrease of its capital stock, its voluntary dissolution, stockholders' meetings, election of directors, insolvency proceedings, receivership and distribution of its assets; except that all certificates required to be filed by it shall be filed with the commissioner of banking and insurance.

Powers,
duties,
obligations.

May act as
pawnbroker.

Loans;
security.

Charges.

Maximum
loan.

As to divi-
dends.

8. Every such association shall have the general powers of a corporation formed under the "Act concerning corporations" [Revision of 1896], and shall be subject to all the duties, obligations and restrictions of such a corporation so far as applicable thereto, and shall have the following additional powers: it shall be entitled to act as pawnbroker, and shall be subject to and entitled to all the benefits of all the provisions of the laws of this state concerning pawnbrokers, except it shall not be required to obtain a license and file bond; it may loan money to such persons as shall be deemed to be in need of pecuniary assistance, and may take as security for the payment of any such loan either a pledge or mortgage on personal property, together with other lawful securities; it shall be entitled to charge and receive on each loan made by it interest or discount at a rate not exceeding two per centum per month for a period of two months or less and not exceeding one and one-half per centum per month for any period after two months; but no such loan greater than two hundred dollars shall be made, nor shall any one person owe such association more than two hundred dollars of principal at any one time; no director of any such association shall receive any compensation for his services, either as a director or as an officer, nor shall any director or stockholder be personally liable for any debt incurred by the association.

9. No such association shall in any year declare or pay dividends on its capital stock amounting to more than six per centum; after any such association shall have accumulated a surplus amounting to fifteen per centum of its capital, the commissioner of banking and insurance shall, upon ascertaining that such association

has, during the previous calendar year, made a net profit amounting to more than six per centum on its capital, have authority to make an order reducing the rate of interest, discount and charges which said association may lawfully charge and receive upon loans, to such sums as may, in his judgment, produce the net return of six per centum on its capital stock; any such order shall take effect at such time, not less than four months after it is made, as the order shall name, and shall be in force for one year unless sooner revoked.

10. Every such association shall in the month of January in each year file in the department of banking and insurance on blanks to be provided by the commissioner of banking and insurance a report of its transactions, affairs and financial condition at the close of business at the end of the preceding calendar year, such report to be verified by the oaths of such officers and other persons as the commissioner of banking and insurance may designate; and the said commissioner may call for additional reports whenever he shall deem it expedient.

11. The commissioner of banking and insurance may also, at any time, make or cause to be made an examination of the condition, business and affairs of any such association as often as he deems it necessary; if it shall appear to the commissioner of banking and insurance from any such examination or report that any such association is insolvent or has violated any of the provisions of this act or of any law of this state, or is conducting its business in an oppressive or unauthorized manner, or has by the payment of excessive salaries, excessive rents, or by any other means attempted to evade the provisions of this act relative to a reduction in the rate of interest which such association may legally charge, he may direct such association to discontinue or correct its objectionable methods and practices, and upon such association failing to comply with such directions, within reasonable time, the attorney-general of this state, upon request of such commissioner, may take proceedings in chancery for the dissolution of said association, which court shall have power to dissolve the same and appoint a receiver of its assets.

Annual report.

Examinations by banking commissioner.

Dissolution may be ordered for objectionable methods.

LAWS, SESSION OF 1904.

Payments
to state.

12. Every such association shall pay to the commissioner of banking and insurance, for the use of the state, the sum of ten dollars for filing its annual report, and shall defray the expenses of any examination of its affairs as provided in this act, and the said commissioner may maintain an action for the recovery of such expenses in any court of competent jurisdiction.

13. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 97.

An Act to annex to the borough of Alpine, in the county of Bergen, a portion of the borough of Cresskill, in said county.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Portion of
Cresskill
annexed to
Alpine.

1. All that portion of the borough of Cresskill included in the following boundaries, to wit: Beginning at a point in the present boundary line between the borough of Alpine and the borough of Cresskill, the same being the former boundary line between the townships of Harrington and Palisades, said point being twenty-four hundred feet easterly from the intersection of the aforesaid line with the westerly line of Hillside avenue, thence running southerly in a straight line to a point in the northern boundary line of lands of Katherine B. Danforth, said point being two thousand (2,000) feet easterly along said line from the northwest corner of said property of Katherine B. Danforth and the northeast corner of lands of Robert J. Waddell; thence southeasterly along said northern boundary line of the lands of Katherine B. Danforth to the boundary line between the states of New Jersey and New York; thence northerly along said boundary line between the states of New Jersey and New York to a point formed

by the intersection of said line with the boundary line between the borough of Alpine and the borough of Cresskill, the same being the former boundary line between the townships of Harrington and Palisades, or the prolongation thereof; thence northwesterly along said boundary line between the borough of Alpine and the borough of Cresskill, the same being the former boundary line between the townships of Harrington and Palisades to the point or place of beginning, is hereby set forth from said borough of Cresskill and annexed to and made a part of the borough of Alpine, in the county of Bergen.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 98.

An Act to provide for the further enlargement and improvement of the state prison.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The supervisor, keeper and board of inspectors of the state prison are hereby constituted a building commission for the purpose of making such necessary enlargement and improvements in the state prison as are hereinafter provided for.

Building
commission.

2. The said commissioners shall have power to construct an additional wing to the prison to be connected with the main prison by a tunnel, and to make such alterations in the existing prison building as may be necessarily occasioned by the construction of said wing as may in their judgment be necessary, upon lands now belonging to the state, and for that purpose they shall have power to employ an architect, superintendent or superintendents, and other assistants, and to fix and regulate their compensation; they shall cause the erections or alterations herein authorized to be done by con-

Construct
new wing to
prison.

Powers.

LAWS, SESSION OF 1904.

Proviso.

Proviso.

Payments;
how made.

tract, and they shall have power to advertise for bids and make contracts for the said work, either as a whole or for separate parts thereof, reserving the right to reject any or all bids not deemed advantageous to the state; *provided*, that the amount to be expended for said purposes shall not exceed three hundred and thirty-five thousand dollars; *and, also, provided*, that an appropriation of the said sum shall be included in an act making appropriations.

3. For the payment of the expenditures herein authorized, the comptroller of the treasury shall draw his warrant on the state treasurer, and the state treasurer shall pay the same from time to time, as the said commission shall certify to the comptroller, and as may be necessary, to such person or persons as they may designate.

Approved March 28, 1904.

CHAPTER 99.

A Further Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

To prevent
keeping milch
cows in un-
wholesome
places.

I. Whenever any person shall keep cows for the production of milk in a crowded or unhealthy place or condition, or feed any cows kept for the production of milk on swill or any substance in a state of putrefaction or rottenness, or on any substance of an unwholesome nature, or on any substance that may produce disease or unwholesome milk; or who shall sell or distribute, or offer to sell or distribute, or have in possession with intent to sell or distribute any milk which is the produce

of cows so kept or fed, then it shall be lawful for the state board of health to file a bill in the court of chancery in the name of the state, on the relation of such board, for an injunction to prohibit the keeping of cows for the production of milk in such crowded or unhealthy place or condition, or the feeding of cows on swill or any substance in a state of putrefaction or rottenness, or any substance of an unwholesome nature, or on any food or substance that may produce disease or unwholesome milk, or the continuance of the sale, distribution or transportation of such milk as the case may be, and for such other or further relief in the premises as the court of chancery shall deem proper.

Improper feeding.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 100.

An Act to amend an act entitled "An act relative to the state house and adjacent public grounds," passed May twenty-fifth, one thousand eight hundred and ninety-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Section one of the act to which this is amendatory is hereby amended to read as follows:

i. It shall be the duty of the governor, treasurer and comptroller of this state to take general charge of the care and safekeeping of the state capitol, the property contained therein and the adjacent public grounds; and for this purpose they shall have power to appoint a custodian of the capitol and adjacent grounds, who shall hold his appointment at the pleasure of the said governor, treasurer and comptroller, and who shall be paid monthly such compensation as the said governor, treasurer and comptroller shall fix; *provided*, that such

Section amended.

Custodian of capitol.

Proviso.

compensation shall not exceed two thousand five hundred dollars per annum.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 101.

An Act to enable the board of chosen freeholders of any county in this state to erect, construct and maintain a viaduct between two or more municipalities in such county connecting streets or roads of such county or municipalities, and to extend roads to connect with such viaduct, and to acquire lands for the same, and to issue bonds for the payment of the cost of the erection, construction and acquisition thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

May construct
viaduct.

1. Whenever the board of chosen freeholders in any county of this state shall deem it proper and necessary for public travel that a viaduct should be built connecting a street or road, whether municipal or county, in one or more municipalities with a street or road, whether municipal or county, in another municipality or municipalities in such county, and shall be of opinion that such viaduct should be built at the expense of the county at large, and shall so declare by resolution, then it shall and may be lawful for such board of chosen freeholders to erect, construct and maintain the same at the expense of such county.

Lawful to
construct
connecting
road.

2. If, in the judgment of such board, it is wise and expedient to erect such viaduct at a point where it does not connect at one or more ends with a public highway, then it shall and may be lawful for such board to construct and maintain a road from either one or more ends of such viaduct, to connect with a street or streets, road or roads of such county or municipali-

ties; and such viaduct proper and the road or roads so constructed shall be considered and classed as a viaduct within the meaning of this act; and wherever in this act the word "viaduct" is used it shall be construed, treated and considered as referring to such viaduct proper as well as the road or roads which may be constructed at either one or more ends thereof, as aforesaid.

3. If such board should conclude to build such viaduct, it shall cause surveys to be made and fix the location thereof, and cause drawings, plans and specifications to be made therefor, and shall advertise in one or more newspapers in such county and in such other manner as the board may direct, for at least two weeks, the time and place of the reception of bids and the terms of the bidding, which said bids shall be enclosed in sealed envelopes and presented in open meeting at the time and place appointed, and the several bids publicly announced, and the contract shall be awarded to the lowest responsible bidder who shall furnish security satisfactory to such board.

Surveys,
specifications,
proposals.

4. If it shall become necessary to acquire lands for the building of such viaduct, the board of chosen freeholders of such county is authorized to acquire such lands by gift, grant, purchase or in the manner set out and under the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use," approved March twentieth, one thousand nine hundred (Revision of 1900), and the supplements thereto and amendments thereof, and the title to the lands shall be taken in the name of such board.

May acquire
lands.

5. The total expense of viaducts contracted to be built under this act in any one year shall not exceed one-tenth of one per centum of the ratables of such county as ascertained for the then current fiscal year; nor shall there be issued for the erection of viaducts under this act in any period of five years bonds in the aggregate to exceed one-tenth of one per centum of the ratables as aforesaid.

Total expense
allowable.

6. If in the opinion of the board of chosen freeholders of such county to place the entire cost of such viaduct

May issue
bonds.

in the tax levy for any one fiscal year would be too burdensome to the taxpayers of such county, it shall and may be lawful for such board to issue the bonds of such county to defray the expense thereof; which said bonds shall be of the denomination of one thousand dollars each, and be registered or coupon, as such board may determine, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and shall run for a period not exceeding thirty years and shall be signed by the director and clerk of such board and countersigned by the county collector, and shall be sold at public sale to the highest bidder for not less than par; and said county shall annually thereafter place in the tax levy a sum sufficient to pay the interest on such bonds as it matures; and shall likewise create a sinking fund for the payment of said bonds at maturity, and place in the tax levy annually thereafter a sum sufficient with the accumulations thereof to pay off and discharge said bonds at maturity.

7. This act shall take effect immediately.

Approved March 28, 1904.

Sinking
fund.

CHAPTER 102.

An Act extending the time for commencing and completing certain railroads.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever the time limited for commencing the construction of any railroad, authorized to be constructed within this state under any general act and incorporated since the first day of January, one thousand nine hundred and two, has expired, or whenever the time limited for the completion of any railroad authorized to be constructed within this state under any general act shall expire before the thirty-first day of December, one thousand nine hundred and four, such time for com-

Time for
completing
railroads
extended.

mencing the construction of such railroad is hereby extended until the first day of August following the passage of this act and such time for the completion of such railroad is hereby extended for the period of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of route or in acquisition of right of way or in construction since January first, one thousand nine hundred and two; *provided further,* that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state, an agreement, to be approved by the governor and attorney-general, waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this state, if any there exist, to take the property of such corporation under any existing law of this state.

Proviso.

Proviso.

2. This act shall be deemed a public act and shall take effect immediately.

Approved March 28, 1904.

CHAPTER 103.

An Act to enable cities to sell, exchange, lease and convey public lands which are not used, needed or desirable for public purposes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful for the board or body having charge of the finances of any city in this state which

Cities may
sell or lease
lands no
longer de-
sirable.

has acquired for public use, lands and real estate not used or needed for public purposes, or the further use of which, in the judgment of said board or body, is no longer desirable, by resolution, to sell and convey such lands and real estate, or any part thereof, or to exchange the same for other lands adapted to the public use for which they are designed (or to lease for a term of years such lands and real estate or any part thereof, if, in the discretion of said board or body, it is deemed more advisable); the moneys received from the sale, exchange or letting of such lands and real estate shall be paid into the treasury of the city selling, exchanging or letting the same, for the general uses and purposes of such city.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 104.

A Supplement to an act entitled "An act concerning the sinking fund of this state," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Transfer of
lands to trus-
tees for
support of
schools.

1. The state treasurer shall forthwith make conveyance to the trustees for the support of public schools of all land now held by the sinking fund of this state, without regard as to whether the title to said land stands in the name of the commissioners of the sinking fund or in the state of New Jersey, and shall likewise execute an assignment to said trustees for the support of public schools of all mortgages now constituting a part of said sinking fund, whether the title to said mortgage now stands in the name of the commissioners of the sinking fund or in the name of the state of New Jersey.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 105.

A Supplement to an act entitled "A general act relating to boroughs" [Revision of 1897], approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. From and after the passage of this act, it shall and may be lawful for the council or other governing body of any borough in this state, within which borough any bathing-house, or bathing establishment, may be maintained for the accommodation of persons for pay, to make and adopt ordinances for the creation, regulation and maintenance at public expense of a life-saving guard.

Maintain
life-saving
guard.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 106.

An Act authorizing the state treasurer to pay to the Philadelphia and Reading Railway Company and Reading Company certain moneys deposited with said state treasurer pursuant to law.

WHEREAS, A corporation known as the Delaware Railroad Company of New Jersey was incorporated under the laws of this state during the year 1883, to construct a line of railroad at or near Camden, New Jersey, and, as required by law, deposited with the state treasurer the sum of four thousand dollars; and

Preamble.

LAWS, SESSION OF 1904.

WHEREAS, It has been represented that said company was promoted by the Philadelphia and Reading Railroad Company; that the said sum of four thousand dollars so as aforesaid deposited with the state treasurer, was deposited by said corporation; that no stock of said company has ever been issued and that the subscribers thereto so subscribed in the interest and for the benefit of said Philadelphia and Reading Railroad Company, and have never paid, or been called upon to pay, any sum on account of said subscription; that said railroad has long since been abandoned and the organization thereof ceased to be maintained and that it is not intended to revive said organization or construct said railroad; that all of the property of said Philadelphia and Reading Railroad Company, of every kind and character, is now duly vested in corporations known as the Philadelphia and Reading Railway Company, and Reading Company; therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Upon production to the state treasurer of New Jersey of the following papers the said state treasurer be, and he hereby is authorized and empowered to pay to said Philadelphia and Reading Railway Company and Reading Company said sum of four thousand dollars.

First. An affidavit or affidavits by two or more officers of the Philadelphia and Reading Railroad Company, and the Philadelphia and Reading Railway Company and Reading Company, verifying the facts hereinbefore recited.

Second. A bond of said Philadelphia and Reading Railway Company and the Reading Company in the penal sum of eight thousand dollars, conditioned to indemnify and save harmless the state treasurer of New Jersey, and his successors in office, of and from all claims and demands whatsoever, and all costs and expenses incident to any suit brought on said bond, arising by reason of said payment, which said bond shall first be approved by the attorney-general.

Papers required in settlement.

Affidavits by Reading officers.

Indemnity bond.

2. Upon payment being made by the state treasurer of said four thousand dollars the right of said Delaware Railroad Company of New Jersey, or the Philadelphia and Reading Railroad Company, or the Philadelphia and Reading Railway Company, or either or any of them or their successors or assigns, shall immediately cease, and said road, or any part thereof, shall not thereafter be constructed unless the said sum of four thousand dollars shall first be repaid to the treasurer of this state, to be held by him as a deposit in the same manner and for the same purpose as the deposit originally made and hereby authorized to be paid.

All rights
cease upon
payment.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 107.

An Act appropriating the sum of seven thousand five hundred dollars for the relief of the widows and infant children, respectively, of John B. Marsh, Jacob S. Shibley and Anson Hale, and authorizing the appointment of a commission to equitably apportion and divide the sum appropriated between the beneficiaries.

WHEREAS, On the twenty-third day of June, in the year of our Lord one thousand nine hundred and two, John B. Marsh, Jacob S. Shibley and Anson Hale, citizens resident of the county of Monmouth, while in the employment of the state and engaged in the construction of the butts of the rifle range at the state camp-grounds at Sea Girt, were accidentally killed by the falling of the walls; and

Preamble.

WHEREAS, It is deemed just and expedient that a fund for the relief of the widows and the infant children, respectively, of those persons shall be appropriated and equitably divided:

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

Appropriation.

Payments made.

1. The sum of seven thousand five hundred dollars is hereby appropriated for the relief of the widows and infant children of John B. Marsh, Jacob S. Shibley and Anson Hale.

2. The execution of the provisions of this statute is vested in a commission consisting of the governor, the quartermaster-general and the adjutant-general.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 108.

An Act to amend an act entitled "An act relative to the supreme and circuit courts" [Revision of 1900], approved March twenty-third, one thousand nine hundred.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

Section amended.

Judge of court of common pleas in circuit court; compensation.

1. Section thirty-eight of the act, the title whereof is recited in the title of this act, be, and the same is hereby, amended so as to read as follows:

38. Whenever a justice of the supreme court shall desire to make the requisition mentioned in the foregoing section, he shall cause a rule to that effect to be entered in the minutes of the appropriate circuit court; and the judge of the said court of common pleas called in shall, in addition to his regular salary, be entitled to the sum of twenty dollars per diem while so sitting in said circuit court, which shall be paid by the state treasurer upon the warrant of the comptroller and the certificate of the justice or judge making the requisition.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 109.

An Act to amend an act entitled "An act to amend an act entitled 'An act to provide for the publication of the manual of the legislature of New Jersey,' approved April sixteenth, one thousand eight hundred and eighty-four," which said amendatory act was approved February eighteenth, one thousand eight hundred and ninety-one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of said amendatory act shall be amended so that the same shall read as follows:

2. Two thousand copies of the "Manual of the Legislature of New Jersey" shall be furnished for the use of the legislature from year to year at each session thereof; eight hundred copies to be for the senate and twelve hundred copies for the house of assembly; and upon the delivery of the said number of copies of the said legislative manual, upon presentation of a receipt therefor from the sergeant-at-arms of the senate and house of assembly (which receipt, upon the delivery of the said copies, the said sergeant-at-arms are required to give), to the comptroller of the treasury, the said comptroller shall draw his warrant in favor of the compiler and publisher of the said legislative manual for the price thereof, and the state treasurer shall therefor pay the same; there shall be furnished to the superintendent of public instruction for this state, one thousand copies for distribution among the graded public schools of this state, and it shall be the duty of the said superintendent of public instruction to send or deliver a copy of said manual to each of the said schools as soon as possible after the same are delivered to him; upon presentation of the bill certified as correct by the superintendent of

Section amended.

Legislative manual;
to whom furnished.

Proviso.

public instruction, the comptroller shall draw a warrant in favor of the compiler and publisher for the payment of the bill for the said manuals, upon the treasurer and the treasurer shall pay the same; *provided*, that the appropriation committee shall each year appropriate a sum sufficient for the said manuals for the use of the public schools of this state.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 110.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, nineteen hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

School districts may issue bonds to pay indebtedness.

1. It shall and may be lawful for the legal voters of any school district at the annual meeting, or at a special meeting called for that purpose, by the consent of a majority of those present, to authorize the board of education of such district for the purpose of borrowing money to pay the indebtedness, obligations, or judgments, and interest thereon, that may have been heretofore made, by law, the indebtedness or obligation of any such board of education, or which the said board of education shall have been directed by law to assume, and the same shall be unpaid or outstanding, to issue bonds of the district in the corporate name of the district, in such sums and in such amounts and payable at such times as the legal voters so met may direct, with interest not exceeding five per centum per annum, pay-

able half-yearly, which bonds shall be signed by the president of the board of education and attested by the district clerk and shall bear the seal of the district, and such bonds shall have coupons attached for the current payment of interest, which coupons shall be signed by the district clerk, and shall be numbered to correspond to the bond to which they are attached, and any bond so issued shall be numbered and a proper registry thereof kept by the district clerk; and said bonds may be sold at public or private sale for the best obtainable price, but not less than par; said bonds shall be a lien upon the real and personal estate of the inhabitants of the district as well as on the property of the district, and the property of the inhabitants, as well as the property of the district, shall be liable for the payment of the same; and in all cases copies of all papers and proceedings authorizing the issuing of said bonds shall be submitted to the attorney-general for his approval of the legality of the same, and duplicate copies of said papers and proceedings shall be sent to the state superintendent of public instruction.

Bonds a lien
on property of
inhabitants.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER III.

An Act to repeal an act entitled "An act to authorize municipalities or school districts in this state to raise moneys for the purchase of lands for school purposes, and for erecting, enlarging, repairing or furnishing school-houses," approved March twenty-sixth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Chapter seventy-four, session laws of one thousand nine hundred and three, entitled "An act to au-

Act repealed.

Proviso.

public instruction, the comptroller shall draw a warrant in favor of the compiler and publisher for the payment of the bill for the said manuals, upon the treasurer and the treasurer shall pay the same; *provided*, that the appropriation committee shall each year appropriate a sum sufficient for the said manuals for the use of the public schools of this state.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 110.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, nineteen hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

School districts may issue bonds to pay indebtedness.

1. It shall and may be lawful for the legal voters of any school district at the annual meeting, or at a special meeting called for that purpose, by the consent of a majority of those present, to authorize the board of education of such district for the purpose of borrowing money to pay the indebtedness, obligations, or judgments, and interest thereon, that may have been heretofore made, by law, the indebtedness or obligation of any such board of education, or which the said board of education shall have been directed by law to assume, and the same shall be unpaid or outstanding, to issue bonds of the district in the corporate name of the district, in such sums and in such amounts and payable at such times as the legal voters so met may direct, with interest not exceeding five per centum per annum, pay-

able half-yearly, which bonds shall be signed by the president of the board of education and attested by the district clerk and shall bear the seal of the district, and such bonds shall have coupons attached for the current payment of interest, which coupons shall be signed by the district clerk, and shall be numbered to correspond to the bond to which they are attached, and any bond so issued shall be numbered and a proper registry thereof kept by the district clerk; and said bonds may be sold at public or private sale for the best obtainable price, but not less than par; said bonds shall be a lien upon the real and personal estate of the inhabitants of the district as well as on the property of the district, and the property of the inhabitants, as well as the property of the district, shall be liable for the payment of the same; and in all cases copies of all papers and proceedings authorizing the issuing of said bonds shall be submitted to the attorney-general for his approval of the legality of the same, and duplicate copies of said papers and proceedings shall be sent to the state superintendent of public instruction.

Bonds a lien
on property of
inhabitants.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER III.

An Act to repeal an act entitled "An act to authorize municipalities or school districts in this state to raise moneys for the purchase of lands for school purposes, and for erecting, enlarging, repairing or furnishing school-houses," approved March twenty-sixth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Chapter seventy-four, session laws of one thousand nine hundred and three, entitled "An act to au-

Act repealed.

thorize municipalities or school districts in this state to raise moneys for the purchase of lands for school purposes, and for erecting, enlarging, repairing or furnishing school-houses," approved March twenty-sixth, one thousand nine hundred and three, is hereby repealed.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 112.

An Act to amend an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section ten of an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

10. No mortgage or debt secured by mortgage on real property which is taxed in this state shall be listed for taxation, and no deduction from the assessed value of real property shall be made by the assessor on account of any mortgage debt; but the mortgagor or owner of the property paying the tax on mortgaged real property shall be entitled to credit on the interest payable on the mortgage for so much of the tax as is equal to the tax rate applied to the amount due on the mortgage, except where the parties have otherwise agreed, or where the mortgage is an investment of funds not subject to taxation, or where the parties have lawfully agreed that no deduction shall be made from the taxable value of the lands by reason of the mortgage.

2. This act shall take effect immediately.

Approved March 28, 1904.

Section
amended.

Taxation of
mortgages.

CHAPTER 113.

An Act to amend an act entitled "An act to amend an act entitled 'An act to provide for the drainage of lands, approved June nineteenth, one thousand eight hundred and ninety,'" which amendatory act was approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one of the amendatory act, approved April fourteenth, one thousand nine hundred and three, and entitled "An act to amend an act entitled 'An act to provide for the drainage of lands, approved June nineteenth, one thousand eight hundred and ninety,'" is hereby amended to read as follows:

1. In any town or township of this state in which any meadow, swamp or other lands, improved or otherwise, are so situate that they cannot be sufficiently drained without clearing out, cutting down or straightening the beds of creeks or natural water-courses therein, it shall be lawful for the township committee, or other legislative or governing body of such town or township, on application in writing therefor, to provide for the clearing out, cutting down or straightening the beds of such creeks or natural water-courses.

Section amended.

Clear and straighten creeks for better drainage.

2. Section two of said act is hereby amended so as to read as follows:

Section amended.

2. It shall be lawful for the township committee, or other legislative or governing body of such town or township, by ordinance, to cause the beds of such creeks or natural water-courses to be cleared out, cut down or straightened, and to take and appropriate the lands and real estate necessary therefor, upon making compensation to the owner thereof, in the same manner and

Taking land necessary for improvement.

in like proceedings as in cases where land is taken for the construction of a sewer, drain or culvert in such municipality.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 114.

An Act to enable boards of chosen freeholders to accept as county roads, roads or sections of roads, in townships, which have been or shall hereafter be permanently improved without state or county aid.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever any public road or section of road, located in any township of this state, has been or shall hereafter be permanently improved, without state or county aid, by the construction thereon of a macadamized road, or telford or other stone road, so that the same is or shall be, with reasonable repairs thereto, firm, smooth and convenient for travel at all seasons of the year, and approved by the state commissioner of public roads, such public road or section of road may, upon the petition in writing of the township committee of the township wherein such public road or section of road so improved lies, addressed to and filed with the board of chosen freeholders of the county within which such township is situate, accompanied by a map or survey of the public road or section of road so improved and a copy of the specifications under which such improvements were made, together with proofs showing full payment to the contractor or contractors for all work done, be, by said board of chosen freeholders, by resolution, accepted as and declared to be a county road if in the judgment of said board of freeholders said road is of sufficient public importance; and such public road or section of road shall, upon such acceptance, forever

Roads improved by townships may be transferred to county on petition.

Becomes a county road.

thereafter be a county road and subject to the exclusive jurisdiction of said board of chosen freeholders in the same manner as roads built by state aid, and the duty of keeping the same in repair shall devolve exclusively upon such board of chosen freeholders.

2. More than one public road or section of road in the same township may be included in one petition.

Petition may include.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 115.

An Act to amend an act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one hundred and fifty-five of an act entitled "An act concerning district courts" [Revision of 1898], be and the same is hereby amended so as to read as follows:

Section amended.

155. It shall be lawful for any defendant, after summons issued and before judgment, to pay into court such sum of money as he shall think in full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, including a fee of five per centum on the amount of such payment for the attorney of the plaintiff, if any, and notice of such payment shall be communicated by the clerk to the plaintiff or his attorney, by the post, or by causing the same to be delivered at his usual place of abode or business, and said sum of money shall be paid to the plaintiff or his attorney; but if the plaintiff shall elect to proceed, and if he shall recover no further sum in the action than shall have been so paid into court, the plaintiff shall pay to the defendant the costs incurred

Payment by defendant before judgment.

If plaintiff elect to proceed.

LAWS, SESSION OF 1904.

by him in said action after such payment, which costs may be collected as other costs are collected in said court.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 116.

An Act to regulate the annual reports of all departments of the government of any city of the first class, and to provide for the printing, binding and distribution thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Annual report of city departments.

1. All departments in the government of any city of the first class in this state shall within ninety days after the passage of this act, and within ninety days after the first of each year thereafter, submit to the common council or body having charge of the finances of any such city a report of the affairs of such department for the previous year; this report shall set out in full all of the business transacted by such department for the past year and give a complete financial statement thereof.

Report printed and distributed.

2. The common council or body having charge of the finances of any such city, and no other person, body, board, commission or department, shall have such reports printed, edited, indexed, bound and distributed, which work shall be done under its supervision and through a department or committee designated; any such department may have allotted to it any number of printed copies desired by paying to the treasurer of any such city a pro rata share of the cost of the printing thereof, which copies shall be neatly bound in paper.

Repealer.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

4. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 117.

An Act to provide for and regulate the making of a record of the exact date of the filing, recording and entry of deeds, mortgages, judgments, decrees, lis pendens, mechanics' liens, recognizances, attachments, sheriff's bonds and other liens and encumbrances on real estate in this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be the duty of the clerks, registers and other officers who are now obliged by law to receive and record deeds, mortgages, bills of sale and other conveyances, or whose duty it is to enter, file or record judgments, decrees, mechanics' lien claims, attachments, recognizances, sheriff's bonds or other liens and encumbrances on real estate in this state to keep, in addition to the entry and record of the same already provided by law, an exact record of the hour and minute when the same shall be filed, entered or recorded in their respective offices, and such entry, filing or recording shall be deemed to take effect and be notice thereof from and as of the exact time of the actual entry, filing or recording of the same, and such record, filing or entry in the office of every clerk, register or other officer in this state shall be *prima facie* evidence in all courts and places of the exact time of such record, entry or filing.

Exact time of
filing papers
to be
recorded.

2. This act shall be deemed a public act, and shall take effect immediately, and that all acts and parts of acts inconsistent herewith, to the extent of such inconsistency only, be and the same are hereby repealed.

Repealer.

Approved March 28, 1904.

CHAPTER 118.

An Act concerning corporations organized for educational, library or literary purposes authorized to issue capital stock.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Any corporation of this state, organized for educational, library or literary purposes, incorporated under any general or special law of this state authorizing the issue of capital stock by such corporation, may change its name or increase its capital stock in manner following: the board of directors, trustees or managers of such corporation shall pass a resolution declaring that such change of name or increase of capital stock is advisable; a copy of such resolution, certified by the president and secretary under the corporate seal, acknowledged or proved as in the case of deeds of real estate, together with the written assent of a majority in interest of the stockholders of said corporation, shall be filed in the office of the secretary of state, and upon the filing of the same, the charter or certificate of incorporation of said corporation shall be deemed to be amended accordingly, and the certificate of the secretary of state that such certified copy of the resolution of the board of directors, managers or trustees, and assent of stockholders have been filed in his office, shall be taken and accepted as evidence of such change of name or increase of stock in all courts and places.

2. Any corporation of this state organized for educational, library or literary purposes, incorporated under any general or special law of this state, authorizing the issue of capital stock by such corporation, and also authorizing the issue by such corporation of preferred stock or preferred shares or shares of stock entitled to dividend or interest in preference to other shares

Procedure
for changing
name or
increasing
capital.

May abrogate
certain pro-
visions of
charter.

of stock of the corporation, but never having actually issued any such preferred stock or preference shares or shares of stock entitled to dividend or interest in preference to other shares of stock of the corporation, may abrogate and surrender any provision in its charter or certificate of incorporation authorizing the issue of such preferred stock or preference shares or shares of stock entitled to dividend or interest in preference to other shares of stock of the corporation, in manner following: the board of directors, managers or trustees shall pass a resolution declaring that the abrogation or surrender by the corporation of the provision in its charter or certificate of incorporation, authorizing the issue of preferred stock, preference shares or shares of stock entitled to dividend or interest in preference to other shares of the corporation, is advisable; a copy of such resolution, certified by the president and secretary under the corporate seal, acknowledged or proved as in the case of deeds of real estate, together with the written assent of a majority in interest of the stockholders of said corporation, shall be filed in the office of the secretary of state, and upon the filing of the same, the charter or certificate of incorporation of said corporation shall be deemed to be amended accordingly, and the certificate of the secretary of state that such certified copy of the resolution of the board of directors, managers or trustees, and assent of stockholders have been filed in his office, shall be taken and accepted as evidence of such abrogation and surrender of the provision in the charter or certificate of incorporation of said corporation authorizing the issue of preferred stock, preference shares or shares of stock entitled to dividend or interest in preference to other shares of stock of the corporation in all courts and places.

3. Any corporation of this state, organized for educational, library or literary purposes, incorporated under any general or special law of this state authorizing the issue of capital stock by such corporation, may, with the consent in writing of all its stockholders and the surrender in writing by all its stockholders of their voting and property rights as such stockholders, abolish the capital stock of said corporation in manner follow-

Method.

Manner of
abolishing
capital stock.

ing: the board of directors, managers or trustees of said corporation shall pass a resolution declaring that it is advisable to abolish the capital stock of said corporation, and that said corporation shall no longer be a stock corporation, and that the said board of directors, managers or trustees of said corporation then in office shall be a continuing and continuous board of directors, managers or trustees of said corporation, with power to enact by-laws, rules and regulations, elect officers and fill vacancies in its membership, with all the powers, duties and rights conferred on the directors, managers or trustees of said corporation by its charter or certificate of incorporation, or any other law of this state; a copy of such resolution, certified by the president and secretary under the corporate seal, acknowledged or proved as in the case of deeds of real estate, together with the written assent in writing of all the stockholders of said corporation, and a statement certified by the secretary under the seal of the corporation, containing the names and post-office addresses of the directors, managers or trustees then in office shall be filed in the office of the secretary of state, and upon the filing of the same the said corporation shall cease to be a stock corporation, its capital stock shall be abolished, and the directors, managers or trustees of said corporation then in office shall become and be a continuing and continuous board of directors, managers or trustees of said corporation, with power to enact by-laws, rules and regulations, elect officers and fill all vacancies in its membership, and with all the powers, duties and rights conferred on the directors, managers or trustees of said corporation by its charter, certificate of incorporation or any other law of this state; and with full power to exercise, maintain and perform all the powers, duties, rights, functions and purposes of the corporation or of its stockholders, granted, conferred or imposed by its charter, certificate of incorporation, or any other law of this state; *provided always*, that such board of directors, managers or trustees shall have no power to divert the property, real or personal, of the corporation, then owned or afterward acquired, from the educational, library or literary uses to promote which the corpora-

Upon filing
statement
ceases to be
stock cor-
poration.

Proviso.

tion was incorporated; *and provided further*, that no person shall be elected a director, manager or trustee of said corporation not a citizen and resident of this state; and the certificate of the secretary of state that such copy of the resolution of directors and assent of stockholders have been filed in his office, shall be taken and accepted as evidence of the change in said corporation in all courts and places.

Proviso.

Approved March 28, 1904.

CHAPTER 119.

An Act to amend an act entitled "An act to establish in this state boards of health and a bureau of vital statistics and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Sections thirteen and fourteen of the act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven, be and the same are hereby amended to read as follows:

Section amended.

13. Said local boards shall, within their respective jurisdictions, examine into all nuisances, foul or noxious odors, gases or vapors, water in which mosquito larvæ breed, and all causes of disease which may be known to them or brought to their attention which, in their opinion, are injurious to the health of the inhabitants therein, and shall cause the same to be removed and abated; whenever such nuisance, noxious odors, gases or vapors, water in which mosquito larvæ breed, or cause of ill health or disease shall be found on public property or on a highway, notice shall be officially given

Abating
nuisances by
order board
of health.When on
public
property.

by the said board to the person in charge thereof officially, and such persons shall be notified to remove and abate the same; and if there be failure or neglect to comply with such notice, the mode of procedure shall be the same as is hereinafter provided in case of private individuals.

**Abating
nuisances
on private
property.**

Expenses.

14. Where such nuisances, noxious gases or vapors, water in which mosquito larvæ breed, or cause of ill health or disease shall be found on private property, the said board shall cause notice thereof to be given to the owner or owners to remove and abate the same at his own expense, within such time as the said board may deem proper; a duplicate of the notice so given shall be left with one or more of the tenants or occupants of the premises; if the owner resides out of the state or cannot be reached with notice speedily, notice left at the house or posted on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the local board of health within the time specified, the board shall proceed to abate such nuisance and remove the cause of such foul and noxious odors, gases or vapors, water in which mosquito larvæ breed, or other thing detrimental to the public health, and such board shall have a right to recover by action of debt the expenses incurred by such board in the abatement or removal, from any person or persons who shall have caused or allowed such nuisance, source of foulness, water in which mosquito larvæ breed, or cause of sickness, hazardous to the public health, and from any owner, tenant or occupant of the premises who, after notice as aforesaid, shall have failed to remove such nuisance, source of foulness, water in which mosquito larvæ breed, or cause of sickness, hazardous to the public health, within the time specified in such notice; and in case such board of health shall fail to recover by such action an amount sufficient to defray such expenses, or if it shall be deemed inexpedient to bring such suit, they may present a bill, certified by such board, or a majority thereof, to the local municipal authorities, and such bill shall be audited and paid by the city, borough, town, township or other local municipal gov-

ernment in and for which such board is organized, in the same manner as the bills for the ordinary current expenses for such municipality are paid.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 120.

An Act to repeal sundry acts relating to the practice of courts of law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby repealed.

Act repealed.

2. The following acts supplemental to and amendatory of the act above repealed, approved as hereinafter stated, are hereby repealed, to wit: March twenty-second, one thousand eight hundred and seventy-six; April eleventh, one thousand eight hundred and seventy-six; March ninth, one thousand eight hundred and seventy-seven; March fourteenth, one thousand eight hundred and seventy-eight; March twenty-seventh, one thousand eight hundred and seventy-eight; April fifth, one thousand eight hundred and seventy-eight; March twelfth, one thousand eight hundred and eighty; March twenty-second, one thousand eight hundred and eighty-one; March seventeenth, one thousand eight hundred and eighty-two (being chapter eighty-eight of the laws of one thousand eight hundred and eighty-two); March seventeenth, one thousand eight hundred and eighty-two (being chapter ninety-five of the laws of one thousand eight hundred and eighty-two); February twenty-seventh, one thousand eight hundred and eighty-four; April twenty-fifth, one thousand eight hundred and eighty-four; April twenty-

Sundry acts pertaining to above repealed.

eighth, one thousand eight hundred and eighty-four; February tenth, one thousand eight hundred and eighty-five; February twelfth, one thousand eight hundred and eighty-five; February sixteenth, one thousand eight hundred and eighty-five; March tenth, one thousand eight hundred and eighty-five; April twenty-eighth, one thousand eight hundred and eighty-five; February twentieth, one thousand eight hundred and eighty-six; April sixth, one thousand eight hundred and eighty-six; March twenty-third, one thousand eight hundred and eighty-seven; March twenty-third, one thousand eight hundred and eighty-eight; March twenty-fifth, one thousand eight hundred and eighty-nine; May third, one thousand eight hundred and eighty-nine; March fourth, one thousand eight hundred and ninety; April seventh, one thousand eight hundred and ninety; May twenty-third, one thousand eight hundred and ninety; June tenth, one thousand eight hundred and ninety; June nineteenth, one thousand eight hundred and ninety; April sixteenth, one thousand eight hundred and ninety-one; April eighteenth, one thousand eight hundred and ninety-one; March twenty-eighth, one thousand eight hundred and ninety-two; March fourteenth, one thousand eight hundred and ninety-three; April twenty-fourth, one thousand eight hundred and ninety-four; April twenty-fifth, one thousand eight hundred and ninety-four; May ninth, one thousand eight hundred and ninety-four; March twenty-eighth, one thousand eight hundred and ninety-five; March thirtieth, one thousand eight hundred and ninety-six; March ninth, one thousand eight hundred and ninety-eight; March twenty-sixth, one thousand nine hundred and three.

Certain acts
repealed.

3. The following acts relating to the practice of courts of law are hereby repealed, to wit: "An act for the recovery of damages in writs of assize and real actions," passed March fifth, one thousand seven hundred and ninety-five; "An act providing for actions where the defendant is a non-resident of this state and the cause of action is one arising in this state and denominated local," approved March nineteenth, one thousand eight hundred and seventy-eight; "An act to protect the interests of counties and townships by allowing

taxpayers, in certain cases, to prosecute suits in their behalf and to intervene in actions by or against them," approved March tenth, one thousand eight hundred and eighty; "An act concerning the practice of law in the courts of New Jersey," approved May ninth, one thousand eight hundred and eighty-nine; "An act to enable women to practice law," approved March twentieth, one thousand eight hundred and ninety-five; "An act in relation to the service of process in actions *ex delicto* upon residents of other states, and upon non-resident receivers of foreign corporations," approved March, one thousand eight hundred and ninety-five; "An act to regulate the practice of courts of law," approved June thirteenth, one thousand eight hundred and ninety-eight; "Supplement to an act entitled 'An act to regulate the practice of the courts of law,' approved April fifteenth, one thousand eight hundred and forty-six," which supplement was approved March third, one thousand eight hundred and fifty-three; "A supplement to an act entitled 'An act to regulate the practice of the courts of law,' approved April fifteenth, one thousand eight hundred and forty-six," which supplement was approved March fourteenth, one thousand eight hundred and seventy-three.

4. The repeal of the above-stated acts shall not revive any act or part of an act repealed by the acts hereby repealed and no suit or other proceeding shall abate by reason of such repeal.

*Effect of
repeal.*

5. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 121.

An Act to repeal sundry acts relating to writs of mandamus.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The act entitled "An act for the better regulation of proceedings upon writs of mandamus," passed De-

Act repealed.

cember second, one thousand seven hundred and ninety-four, is hereby repealed.

Sundry acts pertaining to foregoing act repealed.

2. The following acts supplemental to and amendatory of the act above repealed, approved as hereinafter stated, are hereby repealed, to wit: March seventeenth, one thousand eight hundred and seventy; March twenty-ninth, one thousand eight hundred and seventy-eight; March third, one thousand eight hundred and eighty; March third, one thousand eight hundred and eighty-one; March nineteenth, one thousand eight hundred and ninety-five.

Effect of repeal.

3. The repeal of the above-stated acts shall not revive any act or part of an act repealed by the acts hereby repealed, and no writ of mandamus or any proceeding thereunder shall abate by reason of the passage of this act.

4. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 122.

An Act to repeal sundry acts relating to the courts for the trial of small causes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Act repealed.

Sundry acts pertaining to foregoing repealed.

1. The act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby repealed.

2. The following acts supplemental to and amendatory of the act above repealed, approved as herein-after stated, are hereby repealed, to wit: March seventeenth, one thousand eight hundred and seventy-five; March seventh, one thousand eight hundred and seventy-six; April twelfth, one thousand eight hundred and seventy-six; March ninth, one thousand eight hundred and seventy-seven; March fourteenth, one thousand

eight hundred and seventy-nine; February fifth, one thousand eight hundred and eighty; March twelfth, one thousand eight hundred and eighty; March twenty-fifth, one thousand eight hundred and eighty-one; March seventeenth, one thousand eight hundred and eighty-two; February twenty-fifth, one thousand eight hundred and eighty-five; March twenty-sixth, one thousand eight hundred and eighty-six; March ninth, one thousand eight hundred and ninety-one; March twenty-third, one thousand eight hundred and ninety-two; May seventeenth, one thousand eight hundred and ninety-four; March twenty-second, one thousand eight hundred and ninety-five; March twenty-second, one thousand nine hundred and one; April third, one thousand nine hundred and two, being chapter ninety-seven; April third, one thousand nine hundred and two, being chapter one hundred and fourteen.

3. The acts hereinafter stated are hereby repealed, to wit: "An act respecting appeals from justices' courts," approved April twenty-first, one thousand eight hundred and seventy-six, and the supplement thereto, approved February fifth, one thousand eight hundred and eighty; "An act to increase the jurisdiction of justices of the peace," approved March twelfth, one thousand eight hundred and seventy-nine; "An act concerning the docketing of judgments recovered in the courts for the trial of small causes in the state of New Jersey," approved April fourth, one thousand eight hundred and ninety-two, and the supplement thereto, approved March twenty-second, one thousand nine hundred and one; "An act concerning justices of the peace," approved March twenty-third, one thousand nine hundred.

Acts repealed.

4. The repeal of the above-stated acts shall not revive any act or part of an act repealed by the acts hereby repealed, and where any statute not hereby repealed refers to and adopts any statute or part of a statute which is hereby repealed, the statute or part of a statute so referred to and adopted shall be in force so far only as the same shall have been so adopted, and for no other reason.

Effect of
repeal.

5. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 123.

An Act to repeal sundry acts relating to proceedings upon information in the nature of a quo warranto.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Repealer.

1. The act entitled "An act for rendering the proceedings upon information in the nature of a quo warranto more speedy and effectual," passed March seventeenth, one thousand seven hundred and ninety-five, is hereby repealed.

Repealers.

2. The following acts supplemental to and amendatory of the act above repealed, approved as herein-after stated, are hereby repealed, to wit: May ninth, one thousand eight hundred and eighty-four; March nineteenth, one thousand eight hundred and ninety-five.

Repealer.

3. The act entitled, "An act in relation to the writ of quo warranto," approved February eighteenth, one thousand eight hundred and ninety-five, is hereby repealed.

**Effect of
repeal.**

4. The repeal of the above-stated acts shall not revive any act or part of an act repealed by the acts hereby repealed, and no proceeding upon information in the nature of a quo warranto or any proceeding thereunder shall abate by reason of the passage of this act.

5. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 124.

A Further Supplement to an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In any proceeding had by virtue of the act to which this is a further supplement it shall be lawful, if such proceeding is brought by the assignee or grantee of any landlord, on the trial or hearing thereof to offer in evidence any deed or other writing for the purpose of showing the assignment or grant by such landlord to such assignee, which said deed or other writing may be received in evidence for the purpose of showing the right to the possession of the premises for the recovery of which such proceeding is brought.

Evidence of assignment may be offered.

2. This act shall be deemed a public act and shall take effect immediately.

Approved March 28, 1904.

CHAPTER 125.

An Act to provide for the removal of snow, ice, grass, weeds and other impediments from the sidewalks and gutters of streets, avenues and highways in municipalities of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The board or body having the control and regulation of the use of streets, avenues, highways and side-

Cleaning sidewalks and gutters.

walks in any municipality of this state shall be authorized and empowered to pass, amend and repeal an ordinance or ordinances requiring the owner, owners, occupant or occupants of premises abutting or bordering upon any street, avenue or highway in such municipality to remove all ice or snow from the sidewalks and gutters of any such street, avenue or highway within eight hours of daylight after the same shall be formed or fall thereon, and all grass, weeds and other impediments within three days after notice to remove the same given by the officer or officers or person or persons having charge of such sidewalks and gutters, and to fix and prescribe reasonable penalties for the violation of such ordinance or ordinances, not to exceed five dollars for each offense.

If not
cleaned,
same done
by officer.

Cost taxed.

Fine not to
bar collection
of cost of
cleaning.

2. Such board or body may provide in such ordinance or ordinances that in case such snow, ice, grass, weeds or other impediment shall not be removed from such sidewalks or gutters by the owner or owners or occupant or occupants of any premises as provided in such ordinance or ordinances, the same may be removed by or under the direction of the officer or officers or person or persons having charge of such sidewalks and gutters; and the cost thereof, as nearly as can be ascertained, shall be certified to the officer or officers or board or body whose duty it is to assess and levy the taxes of such municipality, and shall thereupon become and be a first and paramount lien upon such premises, and shall be added to, recorded and collected with and in the same manner as the taxes next to be assessed and levied upon such premises.

3. The imposition and collection of the fine imposed by any such ordinance or ordinances shall not bar the right of any municipality to collect the cost of removal or snow, ice, grass, weeds and other impediments in the manner herein authorized, but the remedies shall be cumulative; nothing herein contained shall be held to alter, repeal or affect any ordinance or ordinances of any municipality now passed.

4. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 126.

An Act to validate sales and conveyances of real estate heretofore made by any assignee or assignees of insolvent debtors.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Where any lands and real estate situate, lying and being in this state have been heretofore sold at private sale and a conveyance made thereof by any assignee or assignees to whom any debtor or debtors have made an assignment of their property under the provisions of an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four; such sale and conveyance shall not be void by reason of the fact that such assignee or assignees failed to procure the necessary order of the court of chancery or of any orphans' court of this state for that purpose, but shall be accepted and taken in all courts and places as valid and effectual; *provided*, it appears that the consideration for such sale was accounted for by such assignee or assignees in his or their final accounting before the orphans' court; and that such purchaser entered into possession of said lands and premises after the execution and delivery of said deed.

Failure to
procure order
of court not
to invalidate
conveyance.

Proviso.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 127.

An Act giving to recorders and police justices of towns, jurisdiction in actions to enforce ordinances of boards of health.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The recorder or police justice of any town shall have jurisdiction over all actions brought to enforce ordinances passed by the board of health of such town, in the same manner and to the same extent as other actions brought to enforce ordinances passed by the town council of such town.

2. The police officers of all towns are authorized and empowered to serve all papers, processes and orders in actions to enforce ordinances passed by the board of health of said town, in the same manner and to the same extent as they are authorized now to serve papers, processes and orders in actions to enforce ordinances of the town council.

3. All fees, costs, fines and sums of money in all actions to enforce ordinances of the board of health shall be paid over to the town authorities, in the same manner and to the same extent as the same are paid over in actions to enforce ordinances of the town council.

4. This act shall be deemed a public act and shall take effect immediately.

Approved March 28, 1904.

Jurisdiction
in enforcing
ordinances.

Police to
serve papers,
etc.

Disposition
of fees, fines,
etc.

CHAPTER 128.

An Act regulating the receipt and disbursement of money and the passage of ordinances pertaining thereto in any city of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. All moneys received from any source by municipal boards or departments established in cities in this state shall be paid by such boards or departments to the treasurer or other person charged with the custody of the funds of such city; and where the power to borrow money in anticipation of estimated receipts has heretofore been vested in any board in such city, such power shall be and is hereby transferred to and vested in the mayor and common council or other body having the control of the finances of such city.

All moneys
paid to
treasurer.

2. All moneys expended by such boards or departments shall be by warrant on the treasurer or other person charged with the custody of the funds of such city, and the common council or other body having charge of the finances of any such city may, by ordinance, prescribe the manner of issuing, and designate the officers who shall sign, countersign and audit such warrants.

Power to bor-
row vested
in.

Expenditures
by warrant.

3. In all cases when the common council or other body having charge of the finances of any such municipality shall not prescribe the manner of issuing, and designate the officers who shall sign, countersign and audit such warrants, the same shall be drawn to the order of the person entitled thereto on the city treasurer and signed by the mayor or acting mayor, city treasurer, city clerk and comptroller or auditor of such city.

If manner of
payment not
prescribed.

4. No warrants for the payment of money shall be delivered by any officer of any such city to any person, firm or corporation until the bill or claim intended to be

All bills sub-
mitted to
mayor.

paid thereby shall have been presented to the mayor for his approval; the manner and form in which the mayor shall signify his approval or disapproval may be by ordinance prescribed.

**Bills marked
"approved"
or "disap-
proved."**

5. It shall be the duty of the mayor of any such city within ten days from the receipt of said bill or claim, if approved by him, to deliver the same to the auditor, comptroller or other officer entitled thereto, with such form of approval attached as may be by ordinance prescribed; and if disapproved by him to deliver the same, with reasons for his disapproval, to the proper officer; when no ordinance has been passed prescribing the form of such approval any such mayor shall, within the prescribed time, deliver such bill or claim, if approved by him, to the person presenting the same for approval, marked "approved" and signed with his signature, and if disapproved the said bill or claim shall, within the same time, be marked "disapproved" and returned unsigned.

Ordinances.

6. All ordinances shall be passed by a majority of the common council or body having control of the finances of any such municipality.

**Payment of
disapproved
bills.**

7. The body or board presenting any claim or bill to the mayor for approval shall have power, by a majority vote of all its members, to order the said bills so disapproved to be nevertheless paid, and in that case warrants shall be drawn for the same and such warrants shall then be effective and be signed by the proper officers.

Repealer.

8. All acts or parts of acts inconsistent herewith are hereby repealed, and any ordinance passed by virtue of the powers herein delegated shall supersede any existing legislation, whether special or general.

Approved March 28, 1904.

CHAPTER 129.

An Act making a further appropriation for the erection and equipment of "The New Jersey sanatorium for tuberculous diseases."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. There shall be and is hereby appropriated out of the money in the treasury of this state, not otherwise appropriated, the sum of two hundred thousand dollars for the purpose of carrying into effect the provisions of an act entitled "An act to establish a sanatorium for persons afflicted with tuberculous diseases, and to provide for the selection of a site and the erection of buildings therefor and the government thereof," approved April third, one thousand nine hundred and two, and the several supplements thereof and the amendments thereto; and the state treasurer is hereby directed and authorized to pay said above-mentioned sum to the treasurer of the board of managers of the New Jersey sanatorium for tuberculous diseases, on the warrant of the comptroller of the treasury, out of any moneys in the treasury of the state not otherwise appropriated.

Appropriation for
tuberculous
sanatorium.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 130.

An Act to provide for the issuance of confirmatory licenses in certain cases to attorneys-at-law and solicitors in chancery, and to counselors-at-law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. If the written license issued by the executive authority to any attorney-at-law and solicitor in chancery,

If license
lost.

or any counselor-at-law, shall be lost, or shall be destroyed by fire or other casualty, the person to whom the same was issued may make the affidavit, and cause to be made the certificate hereinafter provided.

Affidavit by
clerk of
supreme
court.

2. The clerk of the supreme court, upon request made to him, may certify to the governor, if upon due and proper inquiry and inspection of records it shall so be made to appear, the following facts: (1) the name of the applicant under this act; (2) the term at which he was recommended to the governor for a license to practice as attorney-at-law and solicitor in chancery, or counselor-at-law, as the case may be; (3) the time when, and the governor by whom, said license was issued, as far as the same can be ascertained or inferred from the course of practice; (4) that said applicant took the proper oaths and signed the roll; (5) and that the applicant, at the date of certificate, has not been put out of the roll, nor is he under suspension by the supreme court of this state.

Applicant's
affidavit.

3. The applicant shall state in his own affidavit the fact of the loss or destruction of the written license, and the circumstances and manner of the same, so far as he may know or have cause to believe.

Governor
may issue
confirmatory
license; form.

4. The governor, upon receipt of the said certificate and affidavit, may issue his confirmatory license in the form following: "A. B., governor of the state of New Jersey, to all to whom these presents shall come, greeting: Whereas, it has been certified to me, among other things, that C. D., was by the written license of E. F., late governor of this state, on or about, et cætera., in the year of our Lord, et cætera., authorized to practice as an attorney-at-law and solicitor in chancery (or counselor-at-law, as the case may be); and it further is made to appear by affidavit that the said written license has been (lost or destroyed); now, therefore, know ye, that for the better assurance of the said C. D., in the premises, I do hereby confirm and repeat the authorization heretofore made to him, the said C. D., to appear in all the courts of record within the state of New Jersey and there to practice as an attorney-at-law and solicitor in chancery (or counselor-at-law) according to the laws and customs of said state for and during his good be-

havior in the premises; authorizing and empowering him, the said C. D., as heretofore, to have and demand, take and receive, such fees as are or may be by law established in said state for any service or services which he has done, or may do, as an attorney-at-law and solicitor in chancery (or counselor-at-law) in said state; and all judges, justices and others concerned are hereby required to take notice accordingly;" which said confirmation shall pass under the great seal.

5. The applicant shall pay to the clerk of the supreme court, at the time of the making of the certificate, the sum of one dollar; and to the secretary of state, at the time of the delivery to the licensee of the said confirmatory license, the sum of five dollars.

6. Nothing in this act shall be construed to prevent any attorney-at-law and solicitor in chancery, or counselor-at-law, whose written license may have been lost, or destroyed, from resorting to any other legal evidence to prove his right to practice as such in the courts of this state.

Approved March 28, 1904.

Payments.

**Right to
practice
otherwise
proven.**

CHAPTER 131.

An Act to amend an act entitled "A supplement to an act entitled 'An act providing for the formation, establishment and government of towns,' approved March seventh, one thousand eight hundred and ninety-five," which supplement was approved March thirty-first, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Section one of the act to which this is an amendment, is hereby amended so as to read as follows:

i. In towns formed or established under the provisions of the act to which this is a supplement, when-

**Section
amended.**

**Council may
initiate pro-
ceedings to
improve
street.**

ever the council shall by resolution adopted by the unanimous vote of all the members of the council, determine that it is to the interest of the town that any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered or have a sidewalk of any material constructed thereon, or be otherwise improved, the council may, of its own motion, initiate a proceeding for the construction of such sidewalk in the manner provided for in section sixty-four of the act to which this is a supplement, except that it shall not be necessary to have presented to the council any petition, either from the owners of one-sixth of the land fronting on the street or section of street proposed to be improved, or of ten freeholders, but such resolution, so adopted by the unanimous vote of all the members of the council, shall take the place of said petition, and it shall not be necessary, in case of such proceedings, to require the deposit of any money to defray costs and expenses incurred in such proceedings, and at any time after the time named in the notice for objections therein provided for, the council may proceed to pass an ordinance for such improvement, notwithstanding the objection of the owners of the land fronting on such proposed improvement; *provided, however,* that such ordinance shall also be passed by a unanimous vote of all the members of said council.

No deposit required.

Proviso.

Section amended.

Costs assessed upon property benefited.

2. Section two of the act to which this is an amendment, is hereby amended so as to read as follows:

2. The costs and expenses incurred in making any such improvement pursuant to the provisions of this act, shall, when ascertained, be assessed upon the lands and real estate specially benefited by the improvement in accordance with the provisions of the act to which this act is a supplement.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 132.

A Supplement to an act entitled "An act to provide for the appointment of probation officers and to define their duties and powers," approved March twenty-third, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The probation officer appointed in any county, and each of his assistants, may arrest upon view, any person convicted of crime and placed upon probation under the care of such probation officer, who in the judgment of said probation officer shall have violated the condition of his probation, or the rules and regulations governing the same, or shall have re-engaged in criminal practices, or become abandoned to improper associations or a vicious life, and a certificate by said probation officer, that said probationer has, in his judgment, forfeited his probation in any of the respects before mentioned, shall be a sufficient warrant for the detention of said probationer in the county jail until the determination of the inquiry by the court, hereinafter provided for.

Arrest by
probation
officer on
sight.

Warrant for
detention.

2. The probation officer shall forthwith report to the judge of the court of general quarter sessions of the peace in and for said county, that said probationer has, in his judgment, forfeited his probation in some one or more of the respects above mentioned, and has been taken into custody; and said court shall forthwith cause the prisoner to be brought before him, and shall inquire summarily into the conduct of said probationer since he was committed to the care of the probation officer, and if the court shall be satisfied that he has violated the condition of his probation, or the rules and regulations governing the same, or has re-engaged in criminal practices, or become abandoned to improper associations or a vicious life, the said probationer may be sentenced

Court to
inquire sum-
marily into
prisoner's
conduct.

Re-sentenced.

Proviso.

for his original offense, and in computing the period of his confinement, if imprisonment shall be imposed, the time between his release from probation and his rearrest, together with the time spent in the county jail after said rearrest, shall not be reckoned as a part of the term; *provided, however,* that no person shall be taken into custody or sentenced or resentenced under this act, for any offense for which he may have been released upon probation, after a period of three years has elapsed from the date of the original conviction.

May be re-committed to care of probation officer.

3. If on said inquiry, the said judge shall be of the opinion that the interests of justice do not require the imposition of the penalty provided by law for the offense of which said probationer stands convicted, and that said probationer should be recommitted to the care of the probation officer, he shall discharge the said probationer from arrest and may also recommit him to the care of the probation officer for such time, and upon such conditions as the court in its order may determine.

Repealer.

4. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 133.

A Supplement to an act entitled "An act to provide for the acquirement of turnpike roads for free public use, and for the permanent improvement and maintenance of the same," approved March twenty-second, one thousand nine hundred and one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

If commissioner not acting, others to proceed.

I. When any commissioner heretofore or hereafter appointed under the act to which this act is a supplement shall die pending the proceedings under the said act to which this act is a supplement or shall be disqualified or

shall be unable to act or shall fail or refuse to act and perform the duties of his appointment, the other four commissioners appointed under said act shall proceed to perform the duties of their appointment with the same powers and effect as if all the commissioners were acting, and a report signed by the other four of said commissioners shall have the same force and effect as a report signed by all of the commissioners appointed under the said act, and a majority of said commissioners shall have power to adjourn their meetings from time to time.

2. When any commissioner heretofore appointed under the act to which this act is a supplement shall have died pending the proceedings under said act, or shall have been disqualified or unable to act or shall have failed or refused to act and to perform the duties of his appointment or to attend the meetings of the commissioners appointed under the said act, all the proceedings heretofore had and acts heretofore performed by the other four of the commissioners appointed under the said act are hereby confirmed and made valid, legal and effectual to the same extent that the same would have been valid, legal and effectual if all the commissioners appointed under the said act had take part in all of said proceedings.

Proceedings
by remaining
commission-
ers valid.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 134.

Supplement to an act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this state," approved March twelfth, one thousand eight hundred and seventy-three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. That any parent, parents, guardian or custodian who shall make application to have any person admitted

Waive right
of removal
of inmate.

Provise.

to any of the institutions coming under the provisions of this act shall in such application, waive all right to remove such inmate either permanently or for a limited time; *provided*, that any inmate may be discharged upon request of the governor or person administering the government of this state, on the recommendation of the principal superintendent or person at the head of such institution; *and provided further*, that the person at the head of such institution may grant a leave of absence to any inmate for a limited time.

Proviso.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 135.

An Act to amend an act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this state," approved March twelfth, one thousand eight hundred and seventy-three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

1. Section three of the act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this state," approved March twelfth, one thousand eight hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Application to state age, etc.

3. That all applications for the admission of pupils must be accompanied by the certificate of two reputable freeholders, residents of the city, town or township in which the applicant resides, attested before a magistrate; and said certificate shall clearly set forth the age, circumstances and capacity of such pupil and of the ability or inability of the parent, parents, guardian or custodian of such pupil to pay any part of the expense of tuition, care and maintenance of the person in whose behalf

such application may be made; *provided*, that such certificate shall also be approved by the judge of the court of common pleas of the county in which such applicant resides, as to the ability or inability of the parent, parents, guardian or custodian of such child to pay any part of the expenses of tuition, care and maintenance; and such judge shall, before approving such certificate, satisfy himself as to the ability of the parent, parents, guardian or custodian of such to pay all or any part of such expense.

Proviso.

*Approval
by judge.*

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 136.

An Act to enable the comptroller, auditor of accounts, or city treasurer, in cities of the first class, in case of his absence from office or disability, to appoint a deputy to perform his official duties.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever in any city of the first class in this state the comptroller, the auditor of accounts, or the city treasurer shall be absent from his office, or shall be in any way disabled from the performance of his official duties, he may designate from the clerks in his office a clerk to act as his deputy during such absence or disability, which designation shall be made in writing and addressed to the board having control of the finances of such city; the deputy so designated shall perform, during such absence or disability, all the duties of the office of the person so appointing him, and the officer so making such appointment shall be responsible for the acts of the clerk so designated.

*Clerks design-
nated as
deputy dur-
ing chief's
absence.*

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 137.

A Supplement to the act entitled "An act for the punishment of crimes" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be unlawful hereafter for any person who has been confined in any public asylum or institution as an epileptic or insane or feeble-minded patient, to intermarry in this state, without a certificate from two regularly licensed physicians of this state that such person has been completely cured of such insanity, epilepsy or feeble mind, and that there is no probability that such person will transmit any of said defects or disabilities to the issue of such marriage; any person of sound mind who shall intermarry with any such epileptic, insane or feeble-minded person, with knowledge of his or her disability, or who shall advise, aid, abet, cause or assist in procuring any marriage contrary to the provisions of this act, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved March 28, 1904.

Marriage
of insane,
epileptics or
feeble-minded
forbidden.

Aiding thereto
a misde-
meanor.

CHAPTER 138.

A Further Supplement to an act entitled "An act to provide for the control and operation of roads and bridges owned or claimed to be owned by any plank road company whose charter has expired or may expire," approved March twenty-second, one thousand nine hundred and one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. After such road shall have been acquired and taken possession of by any board or boards of chosen freeholders of any county or counties in this state, such road may be widened to any width not exceeding one hundred feet, provided the board or boards of chosen freeholders of the county or counties in which such road may lie and be situate shall adopt a resolution determining that such widening is of public importance and setting forth the width proposed, and the location of said widening, and the points between which such widening is to be made; such resolution, in case said road lies in two or more counties, shall receive the approval of each of said counties before the same shall be valid and operative.

Widening
plank roads
acquired by
county.

2. The title to the lands required for such widening may be acquired by gift, devise, purchase or condemnation, and shall vest in the county corporation of the county or counties within the territorial limits of which the lands acquired may lie, respectively, and the cost and expense of acquiring such lands shall be paid by the county within which the same shall lie; but nothing in this act contained shall be construed to alter or in any-wise affect the provisions of law under which such road, including the bridges thereof, are or shall be constructed, renewed, repaired or maintained.

Acquirement
of lands.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 139.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Where any school district of this state shall, prior to the passage of the act to which this is a supplement, have issued bonds for the erection of a graded or high school building therein, and at the time of the issuing of such bonds and the erection of such building, such district shall have comprised the territory of two adjoining municipalities, the voters of which shall have joined or participated in the election authorizing the issue of the bonds of such district for such purpose, and such district shall have at the time of the passage of said act been governed as a consolidated district, such school district shall continue to be governed as a consolidated district in the same manner as though such consolidation had been effected in the manner provided by the act to which this is a supplement, and the bonds so as aforesaid issued shall be deemed to have been and shall continue to be a lien upon the inhabitants and property of the municipalities comprising such school district at the time of the issue thereof, notwithstanding the passage of the act to which this is a supplement.

2. All acts and parts of acts, general or special, inconsistent herewith be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved March 28, 1904.

Bonds issued
by consolidated school
districts a
lien.

Repealer.

CHAPTER 140.

An Act to enable cities of the second class in this state to dedicate or convey lands for school purposes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever any city of the second class in this state holds title to any tract of land, and the board of aldermen, common council or other legislative board or body of such city has declared, by resolution, that such tract of land is greater in area than is necessary or desirable to be retained for municipal purposes, it shall be lawful for said board or body to dedicate or convey a part of said land to the board of education of such city for public school purposes; *provided, however,* that said board or body shall not be authorized to dedicate or convey more than a one-third part of said tract for said purpose.

Council may
convey por-
tion of
municipal
lands to
school board.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Proviso.

Repealer.

Approved March 28, 1904.

CHAPTER 141.

An Act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Every honorably discharged soldier, sailor or marine of the military or naval service of the United

Right of
veterans to
peddle.

States who is a resident of this state shall have the right to hawk, peddle and vend any goods, wares or merchandise or solicit trade within this state by procuring a license for that purpose to be issued as herein provided.

License without cost.

2. On the presentation to the clerk of any county in which any soldier, sailor or marine may reside, of a certificate of discharge from the army or navy of the United States, such county clerk shall issue without cost to such soldier, sailor or marine a license certifying him to be entitled to the benefits of this act.

3. This shall take effect immediately.

Approved March 28, 1904.

CHAPTER 142.

An Act to provide for the planting and care of shade and ornamental trees in the public highways of any city of this state by the authorities having the management of the public parks in any such city.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful for the board of aldermen, or other governing body of any city of this state, to ordain that the shade and ornamental trees in the public highways of such city shall be planted, regulated and cared for by the authorities having the management of the public parks in any such city.

Shade trees in cities.

2. When the authorities having the management of the public parks in any city of this state are empowered, as hereinbefore provided, to plant, regulate and care for the shade trees in the public highways, it shall thereupon become the duty of such authorities to regulate and care for the trees now standing in the public highways, and to plant such trees therein as may be applied for by abutting property holders upon such terms and conditions as the said authorities may by

Care of; planting additional trees.

rule make; *provided, however,* that the cost of planting shall be defrayed by such applying property owner.

Proviso.

3. The said park authorities when empowered as hereinbefore provided, are hereby authorized to expend in each year out of the funds standing to their credit, for the purpose of caring for and trimming the said trees such sum, not exceeding one thousand dollars per annum as shall be necessary to perform the duties hereby imposed; *provided, however,* that no such moneys shall be expended for the planting of trees.

Annual ex-penditure.

4. This act shall not be construed to abrogate the powers of any body or commission appointed under any other law of this state to care for and plant shade trees nor to repeal any law authorizing the appointment of such commissions, but the powers herein conferred shall be additional thereto.

Proviso.

Approved March 28, 1904.

Construction of this act.

CHAPTER 143.

An Act to amend an act entitled "An act concerning corporations [Revision of 1896]," approved April twenty-first, one thousand eight hundred and ninety-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section thirty of the act of which this is an amendment is hereby amended so as to read as follows:

Section amended.

30. The directors of a corporation shall not make dividends except from its surplus, or from the net profits arising from the business of such corporation, nor shall it divide, withdraw, or in any way pay to the stockholders or any of them, any part of the capital stock of such corporation, or reduce its capital stock except as authorized by law; in case of any wilful or negligent violation of the provisions of this section, the directors under whose administration the same may

Dividends paid from earnings.

Liability of directors.

have happened, except those who may have caused their dissent therefrom to be entered at large upon the minutes of such directors at the time, or who not then being present, shall have caused their dissent therefrom to be so entered upon learning of such action, shall jointly and severally be liable at any time within six years after paying such dividend, to the stockholders of such corporation, severally and respectively, to the full amount of any loss sustained by such stockholders, or in case of insolvency to the corporation or its receiver to the full amount of any loss sustained by the corporation, by reason of such withdrawal, division or reduction.

Action under
present law
not affected.

2. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect, or any right of any corporation, or of any creditor or stockholder of any corporation, against any director under existing law.

Approved March 28, 1904.

CHAPTER 144.

An Act to regulate fences in cities of this state.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

Regulation
of fences
between
lands.

1. Where the lands of any two or more persons shall join each other the common council or other governing body of any city in which such lands lie may, by ordinance, regulate the size, height and dimensions of all fences now existing or in the future to be built as division or partition fences between such lands, whether the same now exist or shall be erected entirely or only partly upon the lands of any such adjoining owners, and may provide the manner of securing, fastening and shoring the same, and for a penalty for the violation thereof; and in the case of such fences now existing may provide for the removal, change

or alteration thereof so as to make them comply with any such ordinance.

2. The owner of any such fence so removed, changed or altered by virtue of any such ordinance shall be entitled to just compensation for the same or damage done thereto, which award of damages shall be made in the same manner as damages for street openings are made, and any such ordinance shall prescribe the procedure to be followed for the ascertainment and payment of any such damage.

3. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 28, 1904.

Compensation
for damages
by changing
fence.

Repealer.

CHAPTER 145.

An Act concerning penalties for the violation of ordinances in cities.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

1. Whenever any board or body of any city shall have power and authority to pass ordinances on any subject and prescribe a penalty or penalties for the violation thereof, it shall and may be lawful for such board or body, in passing any ordinance, to prescribe a maximum penalty to be enforced, either by fine or imprisonment or both, not exceeding the limit set in the act which authorizes such ordinance; and any police justice before whom a proceeding on account of such violation may be cognizable shall have discretion in imposing such penalty or penalties, but not to exceed the maximum penalty or penalties prescribed in the ordinance.

Penalties for
violations of
ordinances.

2. Whenever ordinances have already been passed by any such board or body fixing a definite penalty for the violation thereof, it shall be lawful for such board or body to pass a general ordinance allowing

Discretion
given police
justice as to
penalty
imposed.

any police justice before whom a proceeding on account of the violation of any such ordinance already passed may be cognizable, to impose any penalty in its or his discretion not to exceed the amount prescribed in such ordinance or ordinances already passed, which amount shall be the maximum penalty.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 146.

An Act to authorize cities to enlarge or construct water mains and to provide for the payment thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall and may be lawful for the board or body having control of the water-supply in any city of this state to contract and provide for the enlargement of any water main or mains in any part of such city for the purpose of supplying to that section or part of such city, a quantity of water to be used for protection thereof in the case of fire additional to that necessary for the ordinary or usual needs of the said part or section of such city, and to that end full power and authority is hereby conferred upon such board or body to designate the section or part of the city so to be supplied, and the streets in which such main or mains are to be enlarged or constructed and to prepare maps, plans, specifications and estimates and to enter into contracts for such work.

2. If in the judgment of the said board or body having control of the water-supply, the enlargement of any existing water main or mains or the construction of any additional water main or mains for such a purpose as above set forth is likely to benefit and increase the value of any lands or real estate in the vicinity thereof, the said board shall refer the matter to that board or

Increased
water-supply.

Commission
to assess
benefits.

commission in which is vested the power and authority of making assessments for local improvements in such cities (when there is a permanent body or commission established) to compute, estimate and assess the benefits so conferred, and such board, body or commission shall in all respects be governed in making such assessment by the laws now or hereafter in force relating to and regulating the making of assessments for local improvements in such city, and the same practice and procedure shall in all respects be followed as now governs the making of such assessments.

3. In all cities where there does not exist a permanent board or body charged with the duty of making such assessment, the said board or body having charge of such water-supply, if in its judgment the said enlargement of existing main or mains or the construction of additional main or mains for such a purpose is likely to benefit and increase the value of any lands or real estate in the vicinity thereof, shall apply to the circuit court of the county wherein such city is situated for the appointment of commissioners to estimate and assess such benefits; the time and place of making such application, the number and qualifications and method of appointing such commissioners shall be the same as that provided for in cases of assessments for benefits conferred by the construction of sewers, and the commissioners so appointed shall in all respects be governed by the laws now in force relating to and regulating the making of such assessments.

4. No certiorari shall be allowed by any court to review any of the proceedings in relation to any such assessment whether made by a permanent commission or a commission appointed by the court, nor in any way affect any assessment made by such board or commission after the lapse of thirty days from the making of the order of the court confirming such assessment.

5. All assessments made as aforesaid shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the gen-

Application
by water
board for
commission-
ers.

No certiorari
after thirty
days.

Assessments
a first lien.

Sale for non-payment.

Bond issue.

Time, rate.

Sinking fund.

If necessary
a tax laid.

eral laws of this state; and shall bear the same rate of interest, fines and penalties and be collected under the same laws; and in case of the non-payment of such assessment therefor may be sold in the same manner provided for the sale of land for the non-payment of taxes and assessments.

6. For the purpose of raising money necessary to pay the cost of any such enlargement of existing main or mains or the construction of additional main or mains for the use aforesaid the board or body in such city having charge of the finances thereof is hereby authorized and empowered, in the first instance, to sell bonds of such city for an amount not exceeding the estimated costs and expenses of such improvement, payable in not more than thirty years from the date thereof, and bearing interest at a rate not exceeding four per centum per annum, and to be of such denomination as said board or body having charge of the finances of such city may determine, and which bonds may be either registered or coupon bonds; *provided, however,* that the bonds issued under this act in any one year shall not exceed the sum of one hundred and fifty thousand dollars.

7. For the purpose of providing a fund to pay the interest on the said bonds while outstanding, and the principal when due all money received in payment of any assessment for benefits which may be ordered and made, with interest, fees and penalties paid therewith shall be set aside as a sinking fund and transferred to the sinking fund commissioners for that purpose; when such assessment for benefits shall not be equal to the costs of the construction of such work, or in the event of no assessment being ordered and made or if made reduced and set aside in any way, then the water rents or water rates received in such city not otherwise pledged sufficient to pay the interest on such bonds and provide a sinking fund of not less than two per centum of the principal of the bonds issued for payment of such work shall be set aside and paid over to the sinking fund commissioners for such purpose, and if it be found that the money received in the above manner and from such source or sources is insufficient to furnish such a fund from which to pay the annual interest on the said bonds

and to provide such a sinking fund, then it shall be the duty of the common council or other body having control of the finances of any such city to raise a sum sufficient for this purpose in the annual tax levy and to pay over the sum raised to the sinking fund commissioners of such city..

8. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 147.

A Supplement to "An act concerning banks and banking" [Revision of 1899], approved March twenty-fourth, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. When the directors of any bank incorporated by this state have, prior to the first day of July, anno domini one thousand eight hundred and sixty-five, filed with the secretary of state of this state a certificate under their hands, setting forth that they have been authorized by three-fourths of the stockholders in interest of said bank to settle its affairs and surrender its corporate powers and privileges; and such bank has been reorganized as a banking association under the laws of the United States, such bank shall be deemed to have surrendered its state charter, and all the assets, real and personal, of such bank shall be deemed and taken, by act of law and without any conveyance or transfer, to have become vested in and the property of the said banking association formed as aforesaid under the laws of the United States, notwithstanding that the said directors have omitted to set forth in such certificate that the said stockholders had given their consent, in writing, to become an association for carrying on the business of banking under the laws of the United States, and that the said directors intended to act in pursuance thereof.

State bank
charter sur-
rendered, not-
withstanding
certain
omission.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 148.

An Act respecting the recording of certificates and other papers relating to and affecting corporations.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be the duty of the secretary of state to record in books for that purpose, all certificates and other papers relating to and in any way affecting corporations, now on file in his office and such as are required by any law of this state to be filed therein, excepting annual reports; such recording to be done upon typewriter with record ribbon of permanent color, on paper of approved durability; such records to be kept in a vault separate and away from the vault or place wherein the originals are filed; for this service the secretary of state shall, at the time of the filing of each certificate or other paper, charge a fee of ten cents per folio of one hundred words (with a minimum charge of one dollar), for the use of the state.

2. This act shall take effect immediately.

Approved March 28, 1904.

Preservation
of records
of corpora-
tions.

CHAPTER 149.

A Supplement to an act entitled "A general act relating to boroughs" [Revision of 1897], approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever the commissioners of the sinking fund shall, while making investment of such funds, acquire

Bonds of
issue to be
met purchased
by sinking
fund, can-
celed.

in the open market, either at public or private sale, any bonds of the issue for the redemption of which said sinking fund has been created, said commissioners shall thereupon report such purchase to the mayor and council of the borough, giving the number and the value of the said bonds, and thereupon the mayor and council shall by resolution direct the cancellation of such bonds by the commissioners of said sinking fund, and such bonds so canceled shall be delivered to the mayor and council and the fact of such cancellation, with a full description of said bonds shall be entered in the book entitled "Canceled Bonds," and the fact of such cancellation shall be further certified to the assessor and collector, and all appropriations of money by taxation and otherwise for the purpose of raising money to retire or to pay interest upon such issue of bonds shall be decreased proportionately according to the value of the bonds so canceled.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

3. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 150.

An Act to enable cities of the second class of this state to improve public parks.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful for the common council, board of aldermen, or other governing body of any city of the second class of this state to borrow money for the purpose of improving public parks to an amount not exceeding ten thousand dollars in any one year.

Improvement
of parks.

2. For the purpose of procuring said loan, it shall be lawful for the common council, board of aldermen, or

Loan.

other governing body to provide for the same by resolution.

Bonds may be issued.

Rate, time.

Sinking fund.

3. If, in the opinion of the common council, board of aldermen, or other governing body of any city of the second class of this state, to place the entire cost of such improvement in the tax levy of any one fiscal year, would be too burdensome to the taxpayers of such city, it may and shall be lawful for such board to issue the bonds of such city to defray the expense thereof, which said bonds shall be of the denomination of one hundred dollars each, and be registered or coupon as such board determine, shall bear interest not exceeding four per centum per annum, payable semi-annually, and shall run for a period not exceeding thirty years, and shall be signed by the mayor and attested by the city clerk and countersigned by the city comptroller, and shall be sold at public sale to the highest bidder for not less than par; and said city shall annually thereafter place in the tax levy a sum sufficient to pay the interest on such bonds as it matures, and shall likewise create a sinking fund for the payment of said bonds at maturity, and place in the tax levy annually thereafter a sum sufficient with the accumulations thereof to pay off and discharge said bonds at maturity.

4. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 151.

An Act to amend an act entitled "An act relative to the court of errors and appeals" [Revision of 1900], approved March twenty-third, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section nine of the act to which this is amendatory, be and the same is hereby amended so as to read as follows:

Section amended.

9. The compensation of the special judges of said court shall be severally the sum of twenty dollars per day for every day they shall respectively attend the court and also for every day (not exceeding thirty days in any term of said court) while necessarily engaged in the examination of cases or in the writing of opinions under assignment of the court, such service to be certified by the president of said court, but they shall have no allowance for mileage for attending said court.

Compensation
of special
judges.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 152.

A Further Supplement to an act entitled "An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Any municipality which has entered into a joint contract for the construction and maintenance of an outlet or trunk sewer, pursuant to the provisions of the act to which this is a supplement, may, from time to time, issue its bonds to raise the money necessary to defray the cost of any sewer or sewers, system of sewerage, trunk, lateral or connecting sewers, connecting with or discharging into such joint outlet or trunk sewer, by authority of a resolution of the body or board of such municipality having charge of its finances and without any other authority or proceeding than such resolution or resolutions, which bonds may be registered or coupon bonds, and may bear interest at a rate not exceeding six per centum per annum, and may be payable within such time as may be determined in and by the resolution authorizing their issue, and shall not be

Bonds issued
to continue
contract.

Proviso.

sold for less than par or face value; *provided, however,* that the bonds so authorized shall not exceed in amount ten per centum of the taxable property in such municipality as shown on its official books at the date of such issue; bonds to the said amount being hereby authorized to be issued in addition to any and all bonds or other evidences of indebtedness authorized to be issued by such municipality for all other purposes.

Assessment
to meet cost.

2. In order to meet the payment of said boards at maturity it shall be lawful for the said municipality, and the board or body of such municipality having charge of its finances are hereby authorized to assess, or cause to be assessed, and to enforce the collection thereof in the usual method employed for the assessment and collection of the cost of other municipal improvements, from the property specifically or directly benefited, the whole cost of such sewer or sewers or system of sewerage, trunk, lateral or connecting sewers; the amount so assessed shall be payable in and by yearly installments of such sum as shall, at the maturity of the bonds, create a fund sufficient to pay the principal of said bonds, together with interest thereon at the rate provided therein; the money so received shall be paid yearly into the sinking fund of the said municipality and used only for the redemption of said bonds at maturity.

Sinking
fund.

Validity of
bonds.

3. The bonds of any such municipality which have been or shall hereafter be issued for the purposes aforesaid, shall be the valid and binding obligations of such municipality, and are hereby validated and confirmed; *provided, however,* that such bonds shall conform to the requirements of the first section of this act, and shall be, or shall have been, issued in the manner directed thereby.

Proviso.

4. This act shall be deemed a public act and shall take effect immediately.

Approved March 28, 1904.

CHAPTER 153.

An Act concerning villages which have been or shall become separated from the township in which they were or are contained and which have been or shall be given complete autonomy of local government.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Every village of this state which shall have been or shall hereafter become separated from the township in which it was, is or shall be contained, and which has been, or shall be, given complete autonomy of local government, shall have power by its board of trustees to appoint a poundmaster, an overseer of the poor and three commissioners of appeal in cases of taxation, which officers shall hold office at the pleasure of the board of trustees and receive such compensation as shall be fixed by said board of trustees, and shall have the same powers and perform the same duties and be under the same obligations as are prescribed by law for similar officers in townships in the county in which the village is situate; such officers as the board of trustees shall require shall, before they enter upon their duties, give bond to the village in its corporate name in such sums and with such sureties as the board of trustees shall require and approve for the faithful performance of their duties.

2. It shall be lawful for such board of trustees to raise moneys by taxation for the support of the poor in the same manner as other taxes in the village are now raised by law.

3. Every such village shall be and remain a part of the school district of the township in which it was or is contained, and all school taxes in said village shall be levied, assessed and collected by the village assessor and collector, respectively, and the treasurer of said village shall pay the same to the custodian of the school funds

Village officers appointed by trustees.

Poor tax.

Village to remain in school district.

of such school district as provided by law; and there shall be levied, assessed and collected within said village such proportion of any moneys appropriated or raised for school purposes within said district as the assessed valuation of said village shall bear to the valuation of the entire district.

Settlement
between
village and
township at
separation.

4. Whenever any village has been or shall become separated from the township in which it was or is contained and given complete autonomy of local government, a committee of three to be appointed by said board of trustees from their own number, and a like committee to be appointed by the township committee from their own number, shall meet at a time and place to be designated by said board of trustees, and shall then and there, or as soon thereafter as may be, proceed to apportion, appraise, state an account of, allot and divide between said village and township all the moneys on hand, assets and liens, and property of every kind (excepting school property), and all the indebtedness of such municipalities (excepting school indebtedness) in proportion to the taxable property and estates within the respective limits of such municipalities; *provided*, that any real estate acquired and held for public use shall be and remain the property of the municipality wherein it is located, and any indebtedness then existing incurred for or on account of said real estate shall be and remain the indebtedness of the municipality which retains such real estate; such apportionment shall be based upon the last abstract of ratables made for the purpose of levying taxes in each of said municipalities; in effecting such apportionment and allotment a decision of a majority of those present of the committee of such village concurred in by a majority of those present of the committee of said township, shall be final and conclusive; if any member of either of said committees shall neglect or refuse to attend such meeting, those assembled may act; *provided*, that it shall be lawful for a majority of the whole number of such joint committee to adjourn such meeting from time to time, not exceeding one week; said joint committee shall appoint a clerk from their own number, who shall keep a record of their proceedings and shall certify to each municipality the appor-

Proviso.

Proviso.

tionment of assets and debts so made; such joint committee shall have power to issue subpœnas and to compel the attendance of any of the officers of either of the municipalities affected, to compel the production of all books and papers relating to the subject-matter under consideration and to administer oaths or affirmations to any person appearing before said committee to testify, and shall have the same power to enforce its process of subpœna and to compel any person to attend and testify as is given to committees appointed by the common council of any city under the provisions of an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto.

Compulsory
attendance at
settlement.

5. In case the joint committee herein provided for shall be unable to agree upon a division of the assets or debts of said municipalities, or in case either of said municipalities desires to have such allotment and division made by commissioners, then it shall be lawful for the governing body of either of said municipalities to apply to the court of common pleas of said county for the appointment of three disinterested persons as commissioners, who shall make the above appraisal and apportionment in the manner hereinbefore provided, and their determination in writing, signed by any two of them, shall be binding and conclusive upon each of said municipalities; for which services said commissioners shall receive such compensation as said court may think proper, to be paid by said municipalities equally.

If disagree-
ment, court
to appoint
commission-
ers.

6. This act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 28, 1904.

CHAPTER 154.

A Further Supplement to the act entitled "An act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Hereafter the constables in counties of more than one hundred and fifty thousand and not more than three hundred thousand inhabitants, appointed to attend the circuit court, court of general sessions and general jail delivery, court of common pleas and general quarter session of the peace in said counties, shall receive for such attendance the sum of seven hundred and twenty dollars per annum, payable monthly, which payments shall be in full, and in lieu and instead of all mileage or other allowance heretofore made for such attendance.

Repealer.

2. All acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

When effective.

3. This act shall take effect from the opening of the term next succeeding the passage of this act.

Approved March 28, 1904.

CHAPTER 155.

A Supplement to an act entitled "An act to provide for the election of chosen freeholders in certain cities and incorporated towns in this state," approved March thirteenth, one thousand eight hundred and ninety-five.

Filling
vacancy in
office of
freeholder.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In case any vacancy exists or may hereafter occur in the office of chosen freeholder established by the act to

which this is a supplement, it shall be lawful for the governing body of the city or incorporated town for which such vacancy shall exist, where not otherwise provided, to fill such vacancy by the appointment of a suitable and qualified elector to hold until his successor shall have been duly elected and qualified, and the unexpired portion of the term (if any remain) shall be filled at the annual election, held in such city or incorporated town, next after the vacancy shall have occurred, if time permit, otherwise at the next subsequent annual election.

2. This act shall take effect immediately.

Approved March 28, 1904.

CHAPTER 156.

An Act to authorize townships, boroughs and villages to acquire property for public uses by purchase or condemnation.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In all cases where any township, borough or village shall, in the judgment of its governing body, by whatever name known, require any land for streets, public buildings, sewers, sewage receptacles or places for treating and disposing of sewage, the governing body may acquire the same by agreement with the owner or owners thereof or by condemnation in the manner provided by law.

Land for
public use
acquired by
condemnation.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 157.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Term of
clerks of
freeholders.

Repealer.

1. The clerks of the boards of chosen freeholders in the counties of this state having within their territorial limits a population of over one hundred and fifty thousand inhabitants and not exceeding two hundred and twenty-five thousand inhabitants, according to the last state or federal census, elected after the passage of this act, shall hold their office for the term of three years.

2. All acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 158.

An Act authorizing and empowering the mayor and council of the borough of Midland Park to release and forever quit claim any and all of its and the general public's right, title and interest in and to a certain tract of land lying in said borough.

Preamble.

WHEREAS, A tract of land, shown upon a certain map of lands lying within the territorial limits of the borough of Midland Park, in the county of Bergen, entitled "Map of Ridgewood Park," made by Theodore

Ryerson, surveyor, &c., and filed in the clerk's office of the county of Bergen, and shown and designated on said map as "The Park," together with the strip of land laid out for a street adjacent thereto, and

WHEREAS, Said premises have been sold and conveyed to innocent purchasers and the title of said purchasers is clouded thereby; now, therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The mayor and the council of the borough of Midland Park be and they are hereby authorized, empowered and directed, by proper instrument or instruments, to be duly executed as deeds of conveyance of land are by law required to be executed and approved or acknowledged, to release and forever quit claim any and all right, title and interest that said mayor and council of the borough of Midland Park, or the general public have, in and to the aforesaid described plot of lands and every part and parcel thereof, by reason of an alleged dedication for public purposes, and by reason of the word "park" having been printed upon said plot of said map before same was filed, as aforesaid.

Quit claim
to certain
land in Mid-
land Park.

2. This action will take effect immediately.

Approved March 29, 1904.

CHAPTER 159.

An Act to incorporate the borough of Harrington Park, in the county of Bergen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of those portions of the townships of Harrington and Washington and the borough of Closter, in the county of Bergen, hereinafter set forth, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Harrington Park," and shall be governed by the general laws of this state relating to boroughs.

Corporate
name.

Boundaries.

2. The boundaries of the said borough shall be as follows: Beginning at a point in the centre of the Hackensack river where it is intersected by G. Yeoman's northerly line; thence along said line and Gleason's northerly and westerly lines to the centre of the Westwood road; thence northwesterly, along the centre of said road to its intersection with J. J. Bogert's northerly line; thence northwesterly and southerly, along said Bogert's northerly and westerly lines to a large maple tree; thence in a straight line to Samuel Taylor's northwest corner; thence southerly and westerly, along said Taylor's northerly and westerly lines to the centre of the Pascock brook; thence down stream along the centre of the Pascock brook to its intersection with the easterly line of the borough of Etna; thence along said easterly line of the borough of Etna to the centre of the Hackensack river until it strikes the northerly boundary line of the borough of Closter; thence along said boundary line northerly and easterly to the westerly boundary line of lands belonging to the estate of Patrick Hodnett; thence north, along said westerly boundary line of lands belonging to the estate of Patrick Hodnett, deceased, to the northwest side of the Tappan road; thence southwest, along the northwest side of Tappan road about two hundred feet to the east boundary line of lands now or formerly of Richard H. Costner; thence northerly, along the said east boundary line of lands of said Richard H. Costner to a point where the centre line of the right of way of the West Shore railroad is intersected by the said eastern boundary line of land now or formerly of said Richard H. Costner; thence northerly, in a straight line to the fork of Norwood avenue, known as Hochstedt Corner, being a point in the southerly line of the borough of Old Tappan; thence westerly and southwesterly, along the boundary line of the borough of Old Tappan to the centre of the Hackensack river; thence southerly, along the centre of the said Hackensack river to the point or place of beginning.

3. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 160.

A Supplement to an act entitled "A general act relating to boroughs" [Revision of 1897], approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever the offices of three or more of the councilmen of any borough in this state shall become vacant by reason of death, disability, resignation or any other cause, it shall be lawful to fill such vacancies by appointment, and the persons so appointed shall hold office until the Monday following the next annual election and until their successors shall have qualified; the mayor shall, with the advice and consent of a majority of the remaining members of the council, appoint the councilmen to fill such vacancies as above provided.

Vacancies
in borough
council.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 161.

An Act to repeal sundry acts relating to writs of certiorari.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The act entitled "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby repealed.

Act repealed.

Acts pertaining to foregoing repealed.

Act repealed.

Effect of repeals.

2. The following acts, supplemental to and amendatory of the act above repealed, approved as hereinafter stated, are hereby repealed, to wit: February twenty-fourth, one thousand eight hundred and seventy-six; March fourteenth, one thousand eight hundred and seventy-nine; February seventeenth, one thousand eight hundred and eighty-one; March twenty-eighth, one thousand eight hundred and ninety-five.

3. The act entitled "A general act in relation to assessments for roads, streets or sewers where the same have been or shall be set aside or reversed by any court only as to the prosecutor or prosecutors of any writ of certiorari, and providing for a reassessment in all such cases by the court setting aside such assessment," approved April second, one thousand eight hundred and eighty-eight, is hereby repealed.

4. The repeal of the above-stated acts shall not revive any act or part of an act repealed by the acts hereby repealed, and no writ of certiorari or any proceeding thereunder shall abate by reason of the passage of this act.

5. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 162.

A Supplement to an act entitled "An act concerning cities of the first class in this state, constituting municipal boards of excise commissioners therein and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards and providing for the maintenance of the same," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In order to effectually prevent the violations of the provisions of the act to which this is a supplement, and

License inspectors.

to prevent the unlawful sale, without license, of spirituous, vinous, malt or brewed liquors in cities of the first class in this state, the excise board of such city are respectively fully authorized and empowered to appoint not more than two license inspectors in any such city, and the person or persons so appointed license inspector or license inspectors shall possess the sole power and authority and perform the duties pertaining to the inspector of licenses granted by such excise board, and such board shall be solely authorized and empowered to prescribe the duties of such license inspector or inspectors, and the board or body having charge of the finances of any such municipality shall fix and determine the annual compensation to be paid such license inspector or inspectors, which shall not be less than one thousand, nor more than eighteen hundred dollars per annum for each of such inspectors, which compensation or salary shall be paid monthly by said city to the person or persons appointed as aforesaid; and such excise board is also fully authorized and empowered to employ, in addition to that provided by law, such clerical help in performing the duties of the said board as from time to time they may deem necessary; and the said board or other body having charge of the finances of any such city shall fix and determine the annual salary or compensation of such clerical help, which shall not be more than one thousand dollars in any one year, which shall be paid monthly by any such city to the person or persons so appointed.

Duties.

Compensation.

Clerical assistance.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 29, 1904.

CHAPTER 163.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Sale of
cigarettes or
tobacco to
minors under
fourteen
years for-
bidden;
penalty.

1. Hereafter no person shall sell in this state any cigarettes or tobacco in any of its forms to any minor under the age of fourteen years; no person shall purchase in this state for or on behalf of any such minor any cigarettes or tobacco in any of its forms, and any person so offending shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding fifty dollars (\$50.00), or imprisonment in the county jail where said violation was committed, for a term not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed; this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 164.

An Act to amend an act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this state to fund their floating indebtedness and their matured and maturing bonds," approved March twenty-third, one thousand eight hundred and ninety-nine, and to extend the provisions of said act to claims for county taxes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Section one of an act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this state to fund their floating indebtedness and their matured and maturing bonds," approved March twenty-third, one thousand eight hundred and ninety-nine, to which this is a supplement, be and the same is hereby amended to read as follows:

i. Whenever any incorporated city, town, township or borough of this state shall have incurred, or shall incur, indebtedness, commonly known as floating indebtedness, of any kind whatsoever, whether incurred as hereinafter stated; or in any other manner, that is to say, by reason of the setting aside of assessments, or by reason of the removal from the state of persons taxed before the payment of their taxes, or by reason of a portion of the cost of any public improvement having been assessed upon such municipality, or by reason of the reduction or cancellation of taxes, real or personal, or by reason of money borrowed to meet payments required by law to be made, but not included in any assessment or tax levy, or by reason of warrants drawn by the comptroller upon the treasurer of any such municipality in favor of any county collector for claims against any such city, town, township or borough for county taxes

Section
amended.

What con-
stitutes
floating in-
debtedness.

collected and paid into the treasury thereof, or by reason of more than one of the above causes, or otherwise, it being the intent hereof to include the floating indebtedness of every kind and howsoever incurred; or whenever any such city, town, township or borough shall have purchased, or may hereafter purchase, real estate and buildings subject to mortgage, and has assumed the payment thereof and the sum secured by such mortgage is payable, or whenever any such city, town, township or borough shall have borrowed or advanced, or shall hereafter borrow or advance, money to enable it to pay, and shall have paid, or shall hereafter pay, any of the interest or principal of any matured bonds with the money so borrowed or advanced and shall not have theretofore included the amount, or any part of the amount of the money so borrowed or advanced in any tax levy or levies, assessment or assessments; and whenever any such city, town, township or borough shall have issued, or shall hereafter issue, any bonds, improvement certificates, certificates of indebtedness or other obligations for money honestly loaned to it in good faith, or for work performed or materials furnished, or has become lawfully chargeable with bonds or other obligations issued by the board of education or any other local board, and such bonds or other obligations are due or are to fall due within one year, and such city, town, township or borough is without funds to meet the same, it shall be lawful for, and the power is hereby expressly conferred upon the governing body of any such city, town, township or borough to issue bonds or other obligations for the purpose of paying off said floating indebtedness and extending the time when the several amounts thereof shall be discharged, by virtue of any proper ordinance to be passed at a regular meeting of such governing body, to the amount of ninety-six and two-thirds per centum, or to any less part of the amount of the said floating indebtedness, matured or maturing bonds or money advanced to meet the same not included in any tax levy, other bonds, improvement certificates, certificates of indebtedness or obligations due or to become due as aforesaid, issued for money honestly loaned to such municipality in good faith, or for work performed or materials furnished, or such bonds or other obligations lawfully

Mortgage obligations.

Interest on bonds.

Improvement certificates, warrants, etc., issued.

Issue bonds to pay off floating indebtedness; amount.

chargeable thereto (within the time aforesaid) issued by any board of education or other local board; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw interest at a rate not exceeding five per centum per annum; which bonds shall be for not less than one hundred dollars nor more than ten thousand dollars each and shall be executed under the corporate seal of said city, town, township or borough, and shall be signed by the mayor, chairman or other head executive officer or officers thereof and by the principal financial officer thereof (if any) and attested by the clerk; and which said bonds shall have coupons attached for every half year's interest until due, or may be registered at the option of the holder; which coupons, if attached, shall bear the names of the said executive officer, principal financial officer (if any) and clerk of the said city, town, township or borough, and shall be numbered to correspond with the bond to which they shall be respectively attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of said bonds, the date of issuing and the time of payment shall be made by or under the direction of the principal financial officer (if any), otherwise by or under the direction of the clerk of such municipality, in a book provided for that purpose; all such bonds shall recite that they are issued in pursuance of this act and of the aforesaid ordinance, and shall set forth the date upon which such ordinance was adopted, which recital shall be conclusive evidence of their validity and the regularity of their issue; *provided*, that in order to redeem the bonds issued in pursuance of this act at their maturity, it shall be the duty of the governing body of such city, town, township or borough to establish a sinking fund, which shall be created by a tax of not less than two per centum upon the issue herein provided for, to be raised in the annual tax levy, or from the collections of assessments for improvements in cases where the indebtedness was originally incurred to pay for local improvements assessable upon lands particularly benefited, or both, at the option of the governing body thereof.

Bonds;
time, rate,
description.

Proviso.

Section
amended.
Interest
met.

Bonds here-
tofore issued
valid.

2. Section two of said act is hereby amended to read as follows:

2. The interest on the bonds hereby authorized to be issued shall be raised by tax annually levied and collected with the other taxes of such municipality, and the whole of each year's interest shall be so raised, levied and collected each year; and the governing body of such municipality may dispose of said bonds at public or private sale for the best price that can be obtained for the same, but at not less than their par value.

3. Any bonds heretofore issued under and pursuant to the provisions of the act to which this act is an amendment, by any city, town, township or borough of this state, in good faith, are hereby ratified, confirmed and declared to be valid and effectual obligations of such municipality.

4. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 165.

An Act to repeal an act entitled "An act concerning the government of cities of the second class in this State," approved March fifteenth, one thousand eight hundred and ninety-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Act repealed.

When
effective.

1. The act entitled "An act concerning the government of cities of the second class in this state," approved March fifteenth, one thousand eight hundred and ninety-two, be and the same hereby is repealed.

2. This act shall take effect January first, one thousand nine hundred and five.

Approved March 29, 1904.

CHAPTER 166.

An Act to amend a supplement to an act entitled "An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption," approved March fourth, one thousand eight hundred and eighty, and the supplement approved March twenty-second, one thousand nine hundred and one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act to which this act is an amendment is hereby amended so as to read as follows:

2. Any person having the care, custody or control of any minor child who shall willfully neglect to supply the same with sufficient food, clothing, regular school education or who shall willfully abandon or neglect the same, shall be guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, magistrate or court of record, shall be fined by such justice, magistrate or court of record, an amount not exceeding fifty dollars for each offense; *providing, always,* that said justice, magistrate or court of record shall have power to suspend judgment in any such case whenever any person convicted under the provisions of this section shall enter into bond with at least one sufficient surety to any duly-authorized or incorporated humane society within this state, having for one of its objects the protection of children from cruelty or neglect, in a sum, to be fixed by said justice or magistrate, not exceeding five hundred dollars, conditioned for the payment of a certain weekly amount, to be also fixed by said justice or magistrate, to said society for the care, nurture, support or education of said child during its

Section amended.

Neglect of minors a misdemeanor.

Proviso.

**Inflammables
and ex-
plosives.**

II. To regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fire, and to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks, gunpowder, camphene, kerosene, burning-fluid, nitro-glycerine, dynamite or other inflammable or explosive materials;

III. To prevent loitering, lounging or sleeping in the streets, parks or public places;

IV. To license and regulate cartmen, porters, hacks, cars, omnibuses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk-shop keepers, keepers of bath-houses, boarding-houses and news-stands, sweeps, scavengers, itinerant venders of merchandise, medicines and remedies, also to license, regulate or prohibit traveling and other shows, circuses, theatrical performances, plays, exhibitions, concerts and skating-rinks, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and that fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license in order to sell any product of his farm or to sell meat, milk, bread or cake.

**Public ex-
hibitions.**

Proviso.

**Ordinances
validated.
Proviso.**

Repealer.

2. All ordinances in accordance herewith are hereby validated, ratified and confirmed; *provided*, they have been regularly passed and adopted.

3. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 169.

An Act to amend the title of an act entitled "A further supplement to the act entitled 'An act for the prevention of crimes'" [Revision of 1898], approved the fourteenth day of June, one thousand eight hundred and ninety-eight, which supplement was approved the twenty-fourth day of March, one thousand nine hundred and three:

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The title of the act entitled "A further supplement to the act entitled 'An act for the prevention of crimes'" [Revision of 1898], approved the fourteenth day of June, one thousand eight hundred and ninety-eight, which supplement was approved the twenty-fourth day of March, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

A further supplement to the act entitled "An act for the punishment of crimes" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

Title amended.

Proper title.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 170.

A Supplement to an act entitled "An act to provide for the appointment of police justices in cities of the first class," approved May eighteenth, one thousand eight hundred and ninety-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The judge of any criminal court established by the act to which this is a supplement may, in his discretion, fix any amount, not exceeding three hundred dollars, for the bail to be taken or the recognizance to be entered into in any action or proceeding brought on account of the violation of any ordinance or regulation of any board of any city.

2. This act shall take effect immediately.

Approved March 29, 1904.

Judge may
fix bail for
violation
of city
ordinances.

CHAPTER 171.

An Act to amend an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved the twenty-first day of March, in the year one thousand nine hundred and one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act entitled "An act to secure the purity of foods, beverages, confectionery, condi-

Section
amended.

ments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, one thousand nine hundred and one, is hereby amended to read as follows:

2. The following drugs shall be deemed to be impure within the meaning of this act: (1) any drug which, being known under or by a name recognized in the last revised United States pharmacopœia, possesses a strength, quality or degree of purity inferior to or different from that laid down in such revised pharmacopœia: (2) any drug which, not being known under or by a name recognized in the last revised United States pharmacopœia, but which is found in some other pharmacopœia or in some other standard work on *materia medica*, possesses a strength, quality or degree of purity inferior to or different from that laid down in such other pharmacopœia or standard work; and (3) any drug whose strength, quality or degree of purity falls below the professed standard under which it is sold.

Impure drugs defined.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 172.

An Act to amend an act entitled "An act for the settlement and relief of the poor," approved March twenty-seventh, one thousand eight hundred and seventy-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section thirty of an act to which this act is an amendment is hereby amended so as to read as follows:

Section amended.

30. The father "and" grandfather, mother and grandmother and the children and grandchildren, severally and respectively (of every poor, old, blind, lame and impotent person, or other poor person not able to work), being of sufficient ability, shall, at his, her or their

Maintenance of poor, blind, etc., by relatives.

charges and expense, relieve and maintain every such poor person as aforesaid, in such manner as the court of quarter sessions shall order and direct, together with all reasonable costs incurred in making application to the said court for such order of relief; "and it shall be the duty of the overseer of the poor to make such complaint in all cases when he is applied to for relief by any such person or persons aforesaid; upon filing such complaint the said court shall fix a day for the hearing thereof, whereof at least five days' notice shall be given the relative sought to be charged with the support of such poor, old, blind, lame or impotent person or other poor person not able to work, and at the time appointed for such hearing, the said court shall proceed to hear the witnesses produced to substantiate and rebut the said complaint and decide whether or not such relative shall relieve and maintain such poor, old, blind, lame or impotent person or other poor person not able to work; if said court decides that such relative shall relieve and maintain, the said court shall make an order requiring such relative to pay such sum weekly to the overseer of the poor for the support and maintenance of such poor, old, blind, lame or impotent person or other poor person not able to work, as the said court may seem proper, not exceeding six dollars per week for each and every person so ordered to be relieved, together with all reasonable costs as aforesaid; and the said court shall order such relative to enter into bond with sufficient surety to the said overseer of the poor, in a sum not to exceed five hundred dollars for the payment of the same, and in default of the execution of such bond, it shall be lawful for the said overseer of the poor to bring suit and recover from such relative, from time to time, the sums ordered by the said court to be paid; the said order and bond to continue in force for one year from the time such payments commence to run."

2. This act shall take effect immediately.

Approved March 29, 1904.

Duty of overseer of poor.

Court to hear witnesses and decide.

Court to compel surety.

CHAPTER 173.

An Act authorizing and validating the construction, maintenance and operation of street railways by turnpike companies, on turnpikes and other highways.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall and may be lawful for any turnpike company owning and operating a turnpike in this state, to construct and maintain upon such turnpike, or any part thereof, and upon streets and highways connecting with said turnpike, or in extension thereof, a street railway, with one or two tracks, of standard gauge, and operate the same by electricity by the overhead trolley system or otherwise; *provided*, that any company desiring to take advantage of this act shall deposit with the state treasurer the sum of twenty-five thousand dollars, which shall be repaid to said company when it shall be proven to the satisfaction of the state treasurer that said company has expended, or shall have expended, an amount in excess of said sum in the construction of said street railway; *and provided further*, that said company has obtained or shall obtain the consent in writing of the owners of a majority in lineal feet of the property fronting on said turnpike, street or highway, or part thereof, in each municipality and township wherein said railway has been, or is to be constructed, and filed with the clerk of said municipality or township; *and provided further*, that said company has obtained or shall obtain the consent by ordinance, of each municipality and township wherein said street railway has been or may be located, to the location and operation thereof.

2. Said turnpike company shall have the power to borrow, from time to time, such sums of money as may be necessary for the construction and equipment of said street railway, and, to secure the payment thereof, or

Car line on
turnpike.

Proviso.

Proviso.

Proviso.

Borrow on
bond and
mortgage.

any part thereof, may issue bonds secured by mortgage on all its franchises, real and personal property, and all such bonds and mortgages heretofore issued for such purposes by such company are hereby validated.

Repealer.

3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 174.

An Act appropriating the sum of twenty-five thousand dollars for the use of the governor of the state of New Jersey, for the purpose of representing the state at the Louisiana purchase exhibition, at St. Louis.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Appropriation to represent state at fair.

1. The sum of twenty-five thousand dollars be and the same is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, payable to the order of the governor, as he may require the same, to be expended by him in such manner as he may deem proper, for the purpose of properly representing the state at the Louisiana purchase exposition, at St. Louis, with such escort as he may select.

2. This act shall take effect immediately.

Approved March 24, 1904.

CHAPTER 175.

A Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever the court of quarter sessions shall make an order for the relief by a relative or relatives of any poor, old, blind, lame or impotent person, or other poor person not able to work, the said court may, in its discretion, order a bond with approved surety or sureties to be given to the overseer of the poor of the township or other municipality upon which said person might become chargeable, conditioned for the performance of such order, and may also enforce payment of the costs incurred in the proceedings and of the sum mentioned in such order by committing the person or persons complained against to the common jail or penitentiary of the county as and for a contempt of court.

Court may order surety given.

Enforcing payment.

2. All such orders shall continue in force for the term of one year from the date thereof, and shall not be a bar to a subsequent application after the expiration of said term.

Continuation of order.

3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 29, 1904.

CHAPTER 176.

An Act to repeal sundry acts concerning railroads or other common carriers.

(Reported by the Revision Commissioners.)

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. On and after the passage and adoption of this act the following acts and parts of acts are hereby repealed:

(1) "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three; also the supplement to said act, approved April fourth, one thousand eight hundred and seventy-three; also the further supplement to said act, approved March ninth, one thousand eight hundred and seventy-seven; also the further supplement to said act, approved February nineteenth, one thousand eight hundred and seventy-eight; also the further supplement to said act, approved March fourteenth, one thousand eight hundred and seventy-eight; also the amendment to said last-mentioned supplement, approved March fourth, one thousand eight hundred and seventy-nine; also the further supplement to said act, approved March twelfth, one thousand eight hundred and seventy-nine; also the further supplement to said act, approved March thirteenth, one thousand eight hundred and seventy-nine; also the further supplement to said act, approved February twenty-fifth, one thousand eight hundred and eighty; also the further supplement to said act, approved March eleventh, one thousand eight hundred and eighty; also the further supplement to said act, approved March twenty-fifth, one thousand eight hundred and eighty-one; also the further supplement to said act, approved March thirty-first, one thousand eight hundred and eighty-two; also the further

Sundry acts
pertaining
to railroads
repealed.

supplement to said act, approved March thirty-first, one thousand eight hundred and eighty-two; also the further supplement to said act, passed April sixteenth, one thousand eight hundred and eighty-four; also the further amendment to said act, passed March nineteenth, one thousand eight hundred and eighty-five; also the further supplement to said act, approved March twenty-fifth, one thousand eight hundred and eighty-five; also the further supplement to said act, approved April second, one thousand eight hundred and eighty-five; also the further supplement to said act, approved April fifth, one thousand eight hundred and eighty-six; also the further supplement to said act, approved April twenty-eighth, one thousand eight hundred and eighty-seven; also the further supplement to said act, approved March twenty-third, one thousand eight hundred and eighty-eight; also the further supplement to said act, approved March thirtieth, one thousand eight hundred and eighty-eight; also the further supplement to said act, approved April twenty-third, one thousand eight hundred and eighty-eight; also the further supplement to said act, approved April fourteenth, one thousand eight hundred and ninety; also the further supplement to said act, passed April twenty-fourth, one thousand eight hundred and ninety; also the two further supplements to said act, both approved April twenty-eighth, one thousand eight hundred and ninety; also the further supplement to said act, approved March tenth, one thousand eight hundred and ninety-one; also the further supplement to said act, approved March seventeenth, one thousand eight hundred and ninety-one; also the further supplement to said act, approved March tenth, one thousand eight hundred and ninety-three; also the further supplement to said act, approved February twenty-sixth, one thousand eight hundred and eighty; also the further supplement to said act, approved March seventh, one thousand eight hundred and ninety-eight; also the further supplement to said act, approved March second, one thousand nine hundred and one; also the further supplement to said act, approved March twenty-eighth, one thousand nine hundred and two;

(2) "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand

eight hundred and seventy-four, with the exception of sections fifty-eight, fifty-nine, sixty and sixty-one thereof; also the supplement to said act, approved March thirtieth, one thousand eight hundred and seventy-six; also the supplement to said act, approved April eleventh, one thousand eight hundred and seventy-six; also the two supplements to said act, both approved April twenty-first, one thousand eight hundred and seventy-six; also the supplement to said act, approved February fourth, one thousand eight hundred and seventy-nine; also the supplement to said act, approved March third, one thousand eight hundred and eighty; also the two supplements to said act, both approved March twenty-fifth, one thousand eight hundred and eighty-one; also the supplement to said act, approved March twenty-third, one thousand eight hundred and eighty-three; also the supplement to said act, passed March nineteenth, one thousand eight hundred and eighty-five; also the supplement to said act, passed April sixteenth, one thousand eight hundred and eighty-six; also the supplement to said act, approved March nineteenth, one thousand nine hundred and one;

(3) "An act fixing the transit duty on low-priced articles on railroads," approved March ninth, one thousand eight hundred and fifty-nine;

(4) "An act to authorize the treasurer of this state to submit to the supreme court all questions as to arrearages due or to become due to the state from incorporated companies for taxes and transit duties," approved March fifteenth, one thousand eight hundred and sixty-one;

(5) "An act enabling certain corporations to hold real estate in adjoining states," approved March seventh, one thousand eight hundred and sixty-six;

(6) "An act to prevent accidents on railroads," approved March thirtieth, one thousand eight hundred and sixty-nine;

(7) "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four; also the supplement thereto, approved March third, one thousand eight hundred and

eighty; also the further supplement thereto, approved March fifteenth, one thousand eight hundred and eighty-one; also the further supplement thereto, approved April eighth, one thousand eight hundred and ninety-two;

(8) "An act to authorize any city of this state to enter into contracts with railroad companies whose roads enter their corporate limits whereby said companies may relocate, change or elevate their railroads, and when necessary for that purpose, to vacate, change the grade of or alter the lines of any streets or highways therein," approved March nineteenth, one thousand eight hundred and seventy-four; also the supplement thereto, approved March ninth, one thousand eight hundred and ninety-three; also the further supplement to said act, approved March twenty-third, one thousand nine hundred; also the amendment to said act, approved April third, one thousand nine hundred and two;

(9) "An act to authorize railroad companies to charge and collect an excess of ten cents where fare is paid in the cars," approved March twenty-seventh, one thousand eight hundred and seventy-four;

(10) "An act respecting railroads sold under mortgage," approved April ninth, one thousand eight hundred and seventy-five;

(11) "An act concerning railroad corporations," approved March sixth, one thousand eight hundred and seventy-seven; also the supplement to said act, approved March fourteenth, one thousand eight hundred and eighty-three; also the further supplement to said act, approved April first, one thousand eight hundred and eighty-seven;

(12) "An act to provide for the better protection of passengers upon railroads, and to insure the prompt transportation and delivery of freights," approved March ninth, one thousand eight hundred and seventy-seven;

(13) "An act relating to consolidation of railroads," approved March seventh, one thousand eight hundred and seventy-eight; also the supplement thereto, approved March fourteenth, one thousand eight hundred and seventy-nine; also the supplement thereto, approved

March twenty-ninth, one thousand eight hundred and eighty-seven;

(14) "An act to authorize railroad companies to change their corporate name," approved March second, one thousand eight hundred and eighty;

(15) "An act to authorize railroad corporations to surrender their franchises and to dispose of their property," approved March tenth, one thousand eight hundred and eighty; also the amendment to said act, approved March eighteenth, one thousand eight hundred and eighty-one;

(16) "An act to regulate the rate of passenger fares on railroads doing business under special charters granted by the legislature of this state," approved March eleventh, one thousand eight hundred and eighty;

(17) "An act to authorize an increase in the number of the directors or managers of railroad companies," approved February eighth, one thousand eight hundred and eighty-one;

(18) "An act concerning railroad corporations," passed March twenty-third, one thousand eight hundred and eighty-one;

(19) "An act to authorize railroad companies incorporated under the laws of this and adjoining states to merge and consolidate their corporate franchises and other property," approved March twenty-fifth, one thousand eight hundred and eighty-one; also the amendment to said act, approved April seventeenth, one thousand eight hundred and eighty-five;

(20) "An act concerning railroads," approved March twenty-fifth, one thousand eight hundred and eighty-one;

(21) "An act providing for public safety on railroads," approved March twenty-fifth, one thousand eight hundred and eighty-one;

(22) "An act to provide for the recording of surveys of the route or routes of railroads within this state," approved March twenty-fifth, one thousand eight hundred and eighty-one;

(23) "An act relating to certain contracts for the lease or conditional sale of railroad equipment and rolling stock and providing for the record thereof," ap-

proved March eighth, one thousand eight hundred and eighty-three; also the amendment to said act, approved March fifth, one thousand eight hundred and ninety-five;

(24) "An act to extend the time for the completion of railroads," approved March twenty-third, one thousand eight hundred and eighty-three;

(25) "An act concerning railroads," approved April, second, one thousand eight hundred and eighty-four;

(26) "An act relating to straightened or improved lines of railroad," passed April seventeenth, one thousand eight hundred and eighty-four;

(27) "An act concerning railroad companies," approved May ninth, one thousand eight hundred and eighty-four;

(28) "An act to prevent frauds upon travelers," passed March ninth, one thousand eight hundred and eighty-five; also the amendment to said act, approved April twenty-third, one thousand eight hundred and ninety-seven;

(29) "An act respecting the leasing of railroads," approved May second, one thousand eight hundred and eighty-five; also the amendment thereto, approved April second, one thousand eight hundred and ninety-eight;

(30) "An act to facilitate the foreclosure of mortgages made by consolidated railroad companies of railroads lying partly within and partly without the state," approved March twenty-second, one thousand eight hundred and eighty-six;

(31) "An act authorizing corporations leasing their railroads and franchises to issue bonds secured by mortgage in certain cases," approved April twelfth, one thousand eight hundred and eighty-six;

(32) "An act to authorize certain railroad companies of this state to borrow money and secure the repayment thereof by mortgage upon their property and franchises," approved March twenty-second, one thousand eight hundred and eighty-seven;

(33) "An act concerning railroads," approved March twenty-ninth, one thousand eight hundred and eighty-eight;

(34) "An act for the collection of charges for detention of railroad cars and for use of railroad tracks,"

approved May twenty-third, one thousand eight hundred and ninety;

(35) "An act providing for and regulating the laying out and opening of certain streets and highways under certain circumstances," passed March eleventh, one thousand eight hundred and ninety-two;

(36) "An act to require the recording of awards of commissioners in all cases where lands are taken by eminent domain by railroad corporations," approved March twenty-sixth, one thousand eight hundred and ninety-two;

(37) "An act concerning railroads," approved March ninth, one thousand eight hundred and ninety-three;

(38) "An act concerning railroad corporations," approved March tenth, one thousand eight hundred and ninety-three; also the supplement to said act, approved April seventh, one thousand eight hundred and ninety-eight;

(39) "An act concerning railroad companies which have merged and consolidated their corporate franchises and property," approved March tenth, one thousand eight hundred and ninety-three;

(40) "An act to regulate the crossing at points not within the limits of cities of this state of steam railroads by steam or electric railroads hereafter to be constructed," approved March twenty-second, one thousand eight hundred and ninety-five; also the supplement to said act, approved March twenty-third, one thousand eight hundred and ninety-nine;

(41) "An act authorizing the governing bodies of towns, townships, boroughs and villages in counties of the first class to pass, alter and repeal ordinances for the protection of railroad grade crossings by the companies operating said railroads," approved April first, one thousand eight hundred and ninety-five;

(42) "A further supplement to an act entitled 'An act to prevent the taking of unlawful toll or fare on canals and railways,' passed March twelfth, one thousand eight hundred and thirty-nine," which supplement was approved April first, one thousand eight hundred and seventy-two;

(43) "A further supplement to the act entitled 'An act empowering railroad companies to employ a police

force,' approved March twenty-second, one thousand eight hundred and sixty-five," which supplement was approved March nineteenth, one thousand eight hundred and seventy-four;

(44) "An act to authorize the dissolution of railroad corporations under certain authorities," approved March third, one thousand eight hundred and ninety-six;

(45) "An act authorizing certain cities of this state to enter into contracts with railroad companies, granting them the right to lay tracks upon the roads or streets of said cities upon such terms and conditions as may best promote the interest of said cities and ratifying and confirming such contract made," approved April ninth, one thousand eight hundred and ninety-six;

(46) "An act respecting railroads," approved April twenty-sixth, one thousand eight hundred and ninety-seven;

(47) "An act for the protection of railroad grade crossings," approved March sixteenth, one thousand eight hundred and ninety-eight;

(48) "An act in relation to the acquisition by one railroad corporation of this state of the franchises, property, rights and credits of another railroad corporation of this state," approved March nineteenth, one thousand nine hundred;

(49) "An act in relation to grade crossings on county roads," approved March eleventh, one thousand nine hundred and one.

2. Nothing herein contained shall impair or annul any vested rights, privileges or powers heretofore obtained and used under authority of said acts or any of them, and all corporations which have heretofore availed themselves of the provisions of said acts may continue to enjoy the rights and advantages which they have acquired and now enjoy and exercise by virtue thereof.

Vested rights
not impaired.

3. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 177.

An Act concerning carriers [Revision of 1904.]

(Reported by the Revision Commissioners.)

BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:

Penalty for
overcharging.

1. Any person or persons, incorporated company or association, or any incorporated company in this state, which shall be authorized by law to take toll or to charge for the transportation of passengers, goods, wares or merchandise, which shall directly or indirectly take or demand from any passenger or person more than the charge, toll, rate or fare allowed by law, shall forfeit and pay one hundred dollars, besides costs of prosecution, for each and every offense, to be recovered in an action on contract by any person who may sue for the same, one-half to the prosecutor and the other half to the use of the state, before any court of competent jurisdiction.

Ticket agent's
certificate.

2. Each agent who may be authorized to sell tickets or other evidence entitling the holder to travel on any railroad, steamboat, or public conveyance, shall be provided with a certificate setting forth his authority to make such sales, duly attested by the seal of the owner or persons operating such railroad, steamboat or public conveyance, and also by the signature of the officer whose name is signed upon the tickets or coupons which such agent may sell; and such agent shall exhibit to any person desiring to purchase the ticket, or to any officer of the law who may request him, the certificate of his authority thus to sell, and shall keep said certificate conspicuously posted in his office for the information of travelers; and no person not possessed of such authority shall sell or transfer any coupon or part of any ticket, or other evidence of the holder's title to

travel on any railroad, steamboat or other public conveyance, whether the same be situated, operated or owned within or without this state; any person selling, bartering or transferring any such coupon or part of any ticket, or evidence, in violation of this act, shall be deemed guilty of a misdemeanor and be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both, in the discretion of the court where such person shall be convicted.

Scalping
tickets a mis-
demeanor.

3. The owner or person operating any railroad, steamboat or other public conveyance shall provide for the redemption at his or its general office of the whole or such parts of coupons of any ticket sold as the purchaser has not used, and shall redeem the same at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the portion of said ticket was actually used.

Redemption
of unused
tickets.

4. On application of any railroad company, street railroad company, canal company or steamboat company, the governor of the state may appoint such persons as the company may designate to act as policemen for such company, and shall issue to each person so appointed a commission, a copy of which shall be filed in the office of the secretary of state; every person so appointed and commissioned shall, in the counties traversed by the conveyances or route of such company, possess all the powers of policemen and of constables in criminal cases of the several townships and municipalities in such counties, and shall receive from the company by whom employed, such compensation as shall be agreed between such company and person; when on duty, except when employed as detective, he shall wear in plain view a metallic shield or device with the words "railway police," "canal police" or "steamboat police" as may be appropriate, and the name or style of the company for whom appointed inscribed thereon; when any such company shall file in the office of the secretary of state a notice that it no longer requires the service of such policeman, his power as such shall cease and determine.

Railway
police.

Badge.

5. Where the consignee of perishable goods cannot be found by the carrier or shall neglect or refuse to

Sale of perish-
able goods
not taken by
consignee.

receive the same or to pay the costs and expenses of transportation, charges for detention or demurrage, the carrier or its agent may apply in writing to the judge of the common pleas court of the county, or to a judge of a district court of the city where such goods are deliverable, and said judge on proof that such goods have been transported, and are perishable and that the consignee cannot be found or neglects or refuses to receive the same or to pay the costs and expenses of transportation and detention or demurrage charges, shall order the public sale thereof by a constable or sheriff of the county at a time and place named in said order, of which sale such advertisement shall be made and notice given as the judge shall direct.

Sale of
unclaimed
freight and
baggage.

6. When freight, baggage, express or other property transported by any carrier to its destination shall not be called for by the owner or consignee, or when the owner or consignee cannot be found or is unknown or neglects or refuses to receive the same or to pay the costs and expenses of transportation and charges for detention or demurrage, and the same has remained in the possession of the carrier for six months or is perishable, the carrier may sell the same at public auction; public notice shall be given by advertisement in one or more newspapers of the county at least six days before the sale, and by notices set up at least five days before the sale in at least five of the most public places of the neighborhood where such property was directed to be left and where the sale is to take place, naming the articles to be sold, the names of the consignor and consignee, if known, the hour of sale, which shall be after ten in the forenoon, and before four in the afternoon, and the place of sale, which shall be made in some public place; if the residence of the consignee is known, written notice shall be given to him personally or by leaving the same at his residence or by mailing the same to him at his post-office address; where the property is perishable and will depreciate in value by being longer kept, the same may be sold after two days, in which case notice shall be published at least once and posted at least one full day, or in cases of urgency, such as shipments of milk or perishable fruit, the sale may be made at once to the best

advantage at public or private sale without advertisement.

7. When a sale shall be made of such unclaimed freight, either by an officer of the court or by the carrier, the fees and expenses of the sale shall be first paid, and next the expenses and charges of the carrier for transportation, detention or demurrage and storage, and the residue shall be paid to the clerk of the county, and the officer or carrier making such sale shall file therewith a report of the sale, containing a list of the articles sold, the price for which, and the person to whom sold, the expenses of advertisement and sale, the expenses and charges paid to the carrier, the name of the consignor and consignee, and the places and dates of consignment and of receipt at destination, of all which the carrier shall keep record; the money so paid to the clerk shall be paid to the owner on the order of the county judge, but if no person shall, within one year after the sale, claim the proceeds, the same shall be paid into the school fund of the state.

Disposition
of receipts
of sale.

8. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 178.

An Act to amend an act entitled "An act to protect children from neglect and cruelty and relating to their employment, protection and adoption," approved March fourth, one thousand eight hundred and eighty.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Section eleven to which this act is an amendment is hereby amended so as to read as follows:

Section
amended.

II. In default of payment of the fine or penalty imposed under any of the sections of this act, together

Imprisonment
in default of
paying fine.

Proviso.

May bind
over to appear
at court.

Repealer.

with the costs of the proceedings, then the said justice of the peace, magistrate or court of record shall commit said offender to the county prison or penitentiary, there to remain for a term not to exceed one year or until discharged by due course of law; *provided*, that when the fine imposed exceeds the sum of ten dollars the party complained against may appeal from the decision of said justice of the peace or magistrate to the court of quarter sessions, upon his offering bail in the nature of a recognizance, in the usual manner, for his appearance at said court, when the offense shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor; if, in lieu of deciding the cause, such justice of the peace or magistrate shall bind over or commit such person to appear at the court of quarter sessions, or if such person shall appear as aforesaid, or upon such binding over or commitment appear before the said court and be there convicted of such misdemeanor, he shall be sentenced to pay a fine not exceeding two hundred dollars, payable as aforesaid, or undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

2. All acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 179.

An Act concerning the collection of taxes in cities of the third class.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Collector of
delinquent
taxes; term,
power, fees,
etc.

1. In cities of the third class having a collector of taxes in and for each ward, the common council or other governing body may elect a collector of delinquent taxes, whose term of office shall be one year; he shall

give bond in such sum as said common council or other governing body shall fix and determine; said collector shall have the sole power to collect delinquent taxes in any such city, and he shall have the same powers, duties and fees as collectors of taxing districts now have or may have under the laws of this state, so far as the same relate to the collection of delinquent taxes; the several ward collectors, immediately any taxes become delinquent in said city, shall deliver a list thereof, under oath, with all duplicates and records thereof, to said delinquent tax collector.

2. This act shall take effect immediately.

Approved March 29, 1904.

Notified by
ward col-
lectors of
delinquents.

CHAPTER 180.

An Act to amend "An act entitled 'An act for the assessments and collection of taxes,'" approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section thirty-four, in the above-entitled act, shall be and the same is hereby amended to read as follows:

34. Where complaint shall be made to said board in writing, verified by the oath of the complainant, on or before the first day of April following the assessment by any person or corporation aggrieved by the assessment of property, said board shall have power to review and correct the action of the local assessors or other taxing officers and of all boards of tax review, by reducing or increasing such assessment, if the tax has not been paid, and the corrected tax shall bear interest from the time fixed by the law under which said tax was originally levied until paid; *provided, however,* said board shall have power at any time, on application

Section
amended.

Power to
review and
correct as-
sessments.

Proviso.

of the property-owners, with consent of the mayor or assessor of the municipality affected, to correct errors, mistakes or omissions in the assessment of any person or corporation.

Approved March 29, 1904.

CHAPTER 181.

An Act to repeal section four of an act entitled "A supplement to an act entitled 'An act concerning firemen's relief associations,' approved March twenty-fifth, one thousand eight hundred and eighty-five," which supplement was approved March twenty-fifth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section
repealed.

1. Section four of the act entitled "A supplement to an act entitled 'An act concerning firemen's relief associations,' approved March twenty-fifth, one thousand eight hundred and eighty-five," which supplement was approved March twenty-fifth, one thousand nine hundred and three, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 182.

An Act to protect real property in remainder or reversion when the tenant of the particular estate neglects or fails to take and keep possession thereof, or fails or neglects to pay taxes and municipal liens accruing thereon during the existence of the particular estate.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Whenever a particular estate exists in any real estate in this state, and there is a remainderman or reversioner or person entitled to ultimate enjoyment of said real estate, after the expiration of such particular estate, and the tenant of the particular estate or his assigns shall fail or neglect to take possession of said real property and keep possession thereof and maintain the same free from waste, and said real estate shall be depreciating in value by reason of failure of the said tenant to maintain the same as aforesaid, it shall be lawful for the remainderman or reversioner or his assigns, or for the person entitled to the ultimate enjoyment of the said real property after the expiration of the said particular estate, to serve upon the said tenant of the particular estate a written demand, requiring said tenant to take and keep possession of said premises, or that he keep possession of the said premises, and maintain the same free from waste, which notice may be served upon said tenant personally, or by leaving it at his usual place of abode with some member of his family, or in case said tenant cannot be found in this state or is a non-resident, by attaching said notice upon some prominent part of said premises, and publishing the same in some newspaper printed and published in said county for not less than four weeks;

Right of
remainderman
to apply for
aid in main-
taining estate
in proper
condition.

Notice to
tenant.

upon the neglect or refusal of said tenant to comply with said demand, within two months from the date of the service of said notice upon him, in the manner heretofore provided, it shall be lawful for the said remainderman or reversioner or other person in interest as above mentioned, to apply to the court of chancery of New Jersey for relief in the premises, and it shall be lawful for the said court of chancery, upon reasonable notice to said tenant, by order to show cause or otherwise as the court may direct, and after summary hearing, to appoint a proper person receiver, who shall, upon giving bond with sufficient surety to the chancellor, in such amount as he shall determine, take possession of said premises, and by leasing the same, or otherwise using the said property, according to the circumstances of the case, procure such income therefrom as may be possible; and said receiver shall apply such income to the payment of the expenses of the proceedings, to putting and maintaining the property in as good repair as it was in at the time of the commencement of such particular estate, and to the payment of taxes and other fixed charges on said property; and any surplus said receiver shall pay over to the said tenant of the particular estate upon the order of the court of chancery; at any time after the taking possession of the said premises by the said receiver, the said tenant of the particular estate may apply to the court for an order reinstating him in the possession of said premises, upon such terms as may be equitable and just, having regard to the object of this act, the circumstances of the particular case, and the rights of the remainderman or reversioner or other persons entitled to the ultimate enjoyment of said premises.

2. Whenever any tenant of any particular estate shall neglect or fail to pay any taxes and municipal liens now or hereafter by law chargeable to such tenant, which have accrued during the continuance of said particular estate, it shall be lawful for any remainderman or reversioner, or other person entitled to the ultimate enjoyment of said property, to serve a written notice or demand upon said tenant of the particular estate, requiring said tenant to pay said taxes and

Court may
appoint
receiver.

His duties.

Reinstatement
of tenant.

In case tenant
fails to pay
taxes and
municipal
liens.

municipal liens now or hereafter by law chargeable to such tenant forthwith, which notice may be served in the same manner as is hereinbefore provided for the service of notice; and in case said tenant shall neglect or refuse to pay said taxes and municipal liens now or hereafter by law chargeable to such tenant for the space of three months from the date of service of said notice upon him, it shall be lawful for the court of chancery of New Jersey, upon the application of said remainderman or reversioner, or other persons in interest, as aforesaid, and upon the like practice and proceeding, as hereinbefore defined, to appoint a receiver with like powers, whose duty it shall be to take possession of said premises and who is hereby empowered to lease or use said premises as hereinbefore provided, and out of the income derived therefrom to pay said taxes and municipal liens now or hereafter by law chargeable to such tenant, and to keep the property in repair while in his possession; and any surplus after such payments, the receiver shall pay over to the tenant of the particular estate, upon the order of the court; at any time after the taking possession of said premises by the receiver and after said taxes and municipal liens now or hereafter by law chargeable to such tenant have been paid by him, the said tenant of the particular estate may apply to the court for an order, reinstating him in the possession of said premises, upon such terms as may be equitable and just, having regard to the object of this act, the circumstances of the particular case, and the rights of the remainderman or reversioner, or other persons entitled to the ultimate enjoyment of said premises.

3. In case any lease shall be made by any receiver as provided for in this act, such lease shall be for the shortest possible term, for which the premises may be leased at a fair return, and in case any tenant of any particular estate is reinstated in the possession thereof, it shall only be upon the expiration of any existing lease which may have been made by the said receiver, but said lease may be assigned by said receiver to said tenant upon the order of the court.

4. Any receiver who may be directed by order of the court of chancery to take possession of any real estate

Court may
appoint
receiver;
duties, etc.

Reinstatement
of tenant.

Extent of
lease.

Order to
tenant to
vacate
premises.

under the provisions of the second section of this act when the premises are actually in possession or occupancy of the said tenant of the particular estate, or his assigns, shall serve a copy of said order upon the tenant of the particular estate or other person in possession, in such manner as the court may, in said order direct; said tenant of the particular estate or person in possession shall have three days from the date of service of said order in case the same is served upon him personally, or ten days in case the same is served upon him in any other manner, to vacate said premises; and the court of chancery may enforce obedience to said order in accordance with the usual practice of that court; all proceedings above provided for in the court of chancery shall be in accordance with the practice of said court as in other cases when receivers are appointed, so far as such practice may be applicable, and any party in interest may apply to the court for relief in the premises.

5. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 183.

A Supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. There shall be, and is hereby, appropriated out of the money in the treasury of this state, not otherwise appropriated, the sum of eleven thousand dollars (\$11,000), for the purchase of a lot of land in Arlington cemetery, in the county of Hudson, in this state, for the burial therein of deceased soldiers, beneficiaries of the New Jersey soldiers' home; and the state

Appropriation for
burial plot
for soldiers.

treasurer is hereby directed and authorized to pay said above-mentioned sum to the treasurer of said home, on the warrant of the comptroller of the treasury, out of the moneys in the treasury of the state not otherwise appropriated.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 184.

A Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be unlawful for any boat or other vessel propelled wholly or in part by steam, naphtha, electricity, or any other mechanical motive power, to engage in the catching or taking of oysters from any of the natural beds, under the tidal waters of this state, and no license shall be issued by any oyster commission, shell commission, or other authority, to any boat or vessel so propelled, authorizing such boat or vessel to engage in the catching or taking of oysters from any of said natural beds; any person using a boat so propelled in such business, shall be guilty of a misdemeanor, and any boat or other vessel propelled wholly or in part by any such mechanical motive power, and so engaged, shall be forfeited together with all the tongs, dredges, tackle, furniture and appurtenances thereto belonging, and shall be seized, secured and disposed of in the manner prescribed in the act to which this is a supplement.

Vessels
mechanically
propelled
prohibited
from taking
oysters.

Penalty.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 185.

An Act to amend "A further supplement to an act entitled 'An act to authorize the acquisition of real estate and the erection of buildings thereon, for the use of police departments in cities of this state,'" approved April eighth, one thousand eight hundred and eighty-nine, which supplement was approved March ninth, one thousand eight hundred and ninety-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.
1. Section two of the act "A further supplement to an act entitled 'An act to authorize the acquisition of real estate and the erection of buildings thereon, for the use of police departments in cities of this state,'" approved April eighth, one thousand eight hundred and eighty-nine, which supplement was approved March ninth, one thousand eight hundred and ninety-two, be and the same is hereby amended so as to read as follows:

Sum raised annually to pay off bonds.
2. At least the sum of ten thousand dollars shall be raised in each and every year hereafter by the tax levy for such city and applied by the board having charge and control of the finances in such city to the payment of the bonds issued and to be issued under this act, and the acts of which this is a supplement, when the amount of the bonds issued and to be issued, shall exceed in the aggregate the sum of fifty thousand dollars, but when the bonds issued and to be issued shall be less than the sum of fifty thousand dollars, then and in that case, it shall be lawful for the board having charge and control of the finances of such city to fix and determine the amount to be raised in each and every year by the tax levy for such city, and applied to the payment of

the bonds issued and to be issued under this act and the act to which this is an amendment.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed to be a public act and shall take effect immediately. Repealer.

Approved March 29, 1904.

CHAPTER 186.

An Act to amend an act entitled "A supplement to an act entitled 'An act to incorporate societies for the promotion of learning' [Revision], approved April ninth, one thousand eight hundred and seventy-five," which said supplement was approved March fourteenth, one thousand eight hundred and seventy-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section three of the act to which this is an amendment be amended so as to read as follows:

Section amended.

3. For perpetuating the line of succession in said corporation, whenever a vacancy shall happen in the membership of said corporation, the remaining members may by a majority vote of the whole number of members elect any member of such church, sect or denomination, residing in this state, to fill the vacancy; *provided, however,* that the remaining members of said corporation may by a majority vote of the whole number of members elect not more than three persons who are not members of said church, sect, or denomination; *and provided further,* that in like manner, they may elect not more than five members who are not residents of this state. Proviso.

Filling vacancies.

2. This act shall be deemed and taken to be a public act, and take effect immediately. Proviso.

Approved March 29, 1904.

CHAPTER 187.

An Act respecting the establishment and enforcement of liens for taxes and assessments upon real estate in cases where the records thereof have been lost or destroyed, and conferring upon the court of chancery jurisdiction to grant relief in such cases.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In case of the destruction of public records, by fire or otherwise, or in case of the loss of such records, whereby the ordinary and usual documentary evidence of the levy and assessment of taxes by any city, town, township, borough or other municipality of this state, is incapable of production, and taxes which are unpaid and are a lien upon lands or real estate are liable to be lost by reason of the inability of the city or municipality to which they are due to enforce the same under existing law without further power which will enable them to ascertain in a judicial manner the amount of such taxes and the extent and character of the particular lands and real estate upon which said taxes constitute a lien, the court of chancery shall have authority and jurisdiction to inquire into, and determine and fix the amount of such taxes and the interest and penalties thereon, and to declare and decree the extent and character of the particular lands and real estate upon which said taxes constitute a lien, and to enforce the collection thereof.

2. The proceedings in such cases shall be by petition filed in said court by the city, town, township, borough or other municipality desiring relief, whenever the governing board of the said city, town, township, borough or other municipality shall by resolution determine it proper to proceed; such petition shall state the year or years for which taxes are claimed to be in

When records
destroyed,
court of
chancery to
determine
amount of
unpaid taxes,
etc.

Proceedings
by petition
to court.

Statement.

arrears, the amount thereof as nearly as can be ascertained, the designation of the lands or real estate by block and street number or other brief description, and the names of the owner or owners thereof, if known or ascertainable by reference to the records of deeds of the county in which such lands are situate; such petition may pray discovery upon oath from any former or present owner or mortgagee made a party to said proceedings, or may require discovery without oath; but the answers of the parties to such demand for discovery shall not have any other force or effect upon the hearing of the case than if made without oath; no subpoena ad respondendum or citation shall be required to be issued upon the filing of such petition, but a copy of the petition shall be served upon the defendants residing or found within this state, either personally or by leaving such copy at their place of abode with some member of the family or person in charge of the dwelling-house; and each defendant so served shall be required to file his answer to the petition and his answers to the interrogatories within twenty days after the date of service upon him of the copy of the petition, and to serve a copy thereof upon the solicitor of the petitioner at his office address; *provided*, there be indorsed upon the petition when filed and served a notice to that effect; service upon one of any two or more joint tenants or tenants in common shall be sufficient to confer upon the court jurisdiction of all said joint tenants or tenants in common with respect to the subject-matter of the suit; if the owner or owners or mortgagee of any lands concerning which such a petition is filed reside out of this state and cannot be served personally within the state with a copy of the petition, service thereof may be made upon any tenant or occupant of the lands, if they be occupied; and if said lands be unoccupied service may be made upon such absent defendant personally out of this state; instead of such personal service out of the state a copy of the petition may be mailed postage prepaid to the post-office address of such absent owner or owners, and notice of the filing of the petition, containing a brief statement of the object of the suit and a description of

Answers.

Proviso.

Service on
non-residents.

the lands mentioned therein shall be published in a newspaper printed in the municipality where said lands are situate, once a week for three successive weeks, the first publication to be within five days after the date of such mailing; in cases where service is so made upon a tenant or occupant or upon a defendant personally out of the state, or by mailing and publication, the defendant so served shall file his answer to the petition, and his answers to the interrogatories within thirty days after the date of such service or of such mailing, and shall serve a copy thereof upon the solicitor of the petitioner at his office address.

Proof of service.

3. Proof of service shall be made by affidavit to be filed in the court; upon the filing of the answers of all the defendants or upon the expiration of the period allowed by law for the filing of the answers, provided the defendants or any of them make default, the cause shall be considered at issue and may be brought to a hearing on five days' notice to such defendants as have appeared or filed answers; if no appearances be entered and no answers filed, the case may be set down for hearing ex parte at any time; the trial of cases brought under this act shall be summary, and the chancellor may make such rules and regulations for governing the practice hereunder as in his judgment will facilitate the determination of the cases and secure the rights of the parties; the chancellor may by standing order direct that all such cases arising in any one municipality shall be referred to a designated master in chancery residing therein, and may direct that in the first instance the petition and all other pleadings and papers be filed in the office of such master instead of in the office of the clerk in chancery, and that all orders and proceedings shall be had and taken before the master until the final order or decree which the master shall advise, and thereupon the whole record and papers shall be filed with the clerk of the Court; when a case is referred to a master he shall have and exercise for the control and trial and hearing thereof the same power, authority and jurisdiction possessed by the several vice chancellors in cases referred to them; if it be necessary or expedient in order to despatch the hearing and disposition of such

Trial summary.

May be referred to masters in chancery.

cases arising in any municipality to appoint more than one standing master, the chancellor may designate two or more masters resident in said city for the purpose aforesaid, and the solicitor of the petitioner shall indorse upon the petition the name of the master before whom the case will be heard, but the chancellor may change such reference at any time.

4. It shall be lawful to join in one petition the owners of any or all the lands lying in any one block, in municipalities where lands are so laid out; and the owner or owners or mortgagees of each parcel of land included in the petition may answer and defend without reference to the proceedings against any of the other defendants, and the orders or decrees made in the case may include all or any part of said lands, as may be found advisable or convenient, from time to time; the petitioner may also include in any one petition as many different parcels of lands of the same owner or owners as may be deemed advisable.

Owners of
one block may
be joined in
one petition.

5. Any defendant may be required, among other things, to make discovery whether the taxes on his lands have been paid for the years stated in the petition, and to produce and exhibit to the master all vouchers, receipts, tax bills, and other written or printed papers or documents relative thereto, in his possession, or in the possession of any other person under his control; and to account for the absence of any written or printed receipt or received tax bill showing that such taxes have been paid; failure to comply with any order of the court or of the master or to make discovery or produce papers, books or documents as required in any petition or order shall be deemed a contempt of court.

Defendant
to produce
vouchers,
tax bills, etc.

6. When it shall be established by the decree of the court in any case that there is a lien for unpaid taxes against any lands or real estate, such lien may be enforced and collected by the municipality to which it is due in the same manner and to the same effect as provided by law in respect to other taxes upon real estate therein, and the decree of the court shall be conclusive of the existence of said lien and the amount due thereon; or, in the discretion of the chancellor, execution may issue out of chancery to a master of said court to enforce

If lien estab-
lished, col-
lectible as
other taxes.

the same by sale of said lands as in other cases; no appeal from any final order or decree shall be taken unless notice thereof shall be served within thirty days after the filing of the decree or order appealed from.

*As to costs,
fees, etc.*

7. No costs shall be recovered by either party against the other; no fees shall be charged or paid to the state for any services of the chancellor or clerk except that copies of papers certified by the clerk shall be paid for as in other cases; masters in chancery shall receive compensation at the rate of twenty-five dollars per day while actually engaged in the hearing of cases or of motions, to be paid by the petitioner; no costs shall be taxed on either side for fees of solicitor or counsel.

*Certified copy
of decree
filed.*

8. A certified copy of the final decree in every case wherein a lien for taxes is established shall be filed in the office of the collector or receiver of taxes, or other officer with whom under the law is the custody of the records of unpaid taxes, and an abstract thereof showing the lands affected, the amount of the taxes, the year or years in which assessed, and the names of the defendants in the suit, shall be entered in a suitable book kept for that purposes.

*Act applies
to special as-
sessments.*

9. All the provisions of this act shall apply to special assessments for local improvements the records of which have been lost or destroyed.

*Legal as-
sistance.*

10. The mayor or other chief officer of any city, town, borough or village, and the township committee of any township, and the governing body of any other municipality proceeding under this act may appoint one or more special solicitors and other necessary assistants to aid in the prosecution of suits as aforesaid; but no such solicitor shall be appointed in any city except with the concurrence of the city counsel or other regular legal adviser; and the compensation of such special solicitors and other assistants shall be fixed in cities, boroughs and villages by the mayor or other chief officer, and in all other municipalities by the governing body, and paid by the municipality.

11. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 188.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. The one hundred and eighty-fifth section of the act to which this is a supplement be and the same is hereby amended to read as follows:

185. The person designated by law as the custodian of the moneys belonging to the municipality in which the school district shall be situate, or the collector, when designated by such board of education, shall be the custodian of the school moneys of such district, and shall receive such compensation as the township committee, common council or other governing body of such municipality shall determine, which compensation shall be paid by said township committee, common council or other governing body from the funds of the township, incorporated town, borough, city or other municipality, and the bonds given by said collector or other person for the faithful performance of his duty as such officer, shall be held to cover and secure the faithful performance of his duty as custodian of school moneys, and the bondsmen thereon shall be liable therefor; in case the term of office of any such collector or other person shall expire before the close of the school year, he shall remain and continue to be the custodian of school moneys until the close of the then current school year, and his bondsmen shall remain and be legally bound for the faithful performance of his duties as such custodian until the final settlement of his accounts; nothing in this article shall

Section
amended.

Custodian of
school money.

Compensation.

Term as
custodian.

Control of
school money.

When school
district con-
tains more
than one
municipality;
custodian.

Bond.

Repealer.

be construed as giving to the township committee, common council or other governing body of any municipality any control over moneys belonging to the school district in the hands of the custodian of the school moneys of said district, but said money shall be held by such custodian in trust, and shall be paid out by him only on orders legally issued and signed by the president and district clerk or secretary of the board of education; any ordinance, by-law or resolution of a township committee, common council or other governing body of any municipality attempting to control such moneys, or which shall in any way prevent the custodian of the school moneys of the school district from paying the orders of the board of education as and when they shall be presented for payment shall be absolutely void and of no effect; whenever any school district shall contain more than one municipality the board of education may appoint a suitable person as custodian of school moneys of said district, and may fix his salary and term of office; such custodian shall give bonds for the faithful discharge of his duties in such amount and with such sureties as said board shall direct, but such bonds shall be for a sum not less than the amount apportioned to said district by the county superintendent of schools; until the appointment of a custodian of school moneys by the board of education, the collector or other person residing in the municipality situated in such school district having the largest amount of taxable property shall be custodian of the school moneys of such district.

2. All acts and parts of acts inconsistent herewith are hereby repealed; this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 189.

An Act authorizing the appointment of boards of health in cities of the first class, and defining their powers and duties.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In all cities of the first class the board of health of such cities shall consist of ten members, citizens of said city, at least one-half of whom shall be practicing physicians; no more than one-half of said members shall belong to the same political party; they shall be appointed by the mayor of such city within thirty days after this act goes into effect or becomes applicable, and such appointments shall be confirmed by the board, body or authority having charge of the finances in such city; the members appointed under this act shall be divided into classes as to their terms of office: one class of three members, to hold office for one year; one class of three members, to hold office for two years; and one class of four members, to hold office for three years; and thereafter all appointments shall be for the term of three years; any vacancy in such board shall be filled for the unexpired term only.

M-partisan
board of
health.

Divided into
classes.

2. The term of office of all officers and employes appointed by boards of health in any such city shall cease and determine at the time of the organization of the board appointed and constituted under this act.

Term of exist-
ing officers
to cease.

3. The board of health organized and constituted as provided in this act is hereby authorized to have charge of, to control, manage and operate the public hospitals and dispensaries owned or maintained by such city, and to appoint or employ all officers or employes necessary for the carrying out of the purposes of this act; and said board is also hereby vested with all the powers now vested in local boards of health in cities of

Powers,
duties, etc.

the first class in this state; and the board provided for by this act shall be subject to all the liabilities now or hereafter conferred upon boards of health in such cities by the laws of this state; and all ordinances, rules and regulations heretofore adopted or passed by any local board of health in such city, which might be adopted or passed under the authority of this act shall continue to be the ordinances, rules and regulations of such board and shall be of the same force and validity as if they had been actually adopted or passed under the provisions and authority of this act, until the same are repealed or changed.

**May enact,
repeal, etc.,
ordinances.**

4. Such boards of health in such cities are hereby authorized to pass, enact, alter, amend and repeal ordinances relating to the public health of such cities, and to fix the amount of fines and penalties for the violation of said ordinances, and provide for the collection, appropriation and disbursement of the same.

**No com-
pensation.**

5. The commissioners appointed under and by virtue of this act shall receive no compensation for their services as members of such board.

**When present
board may be
continued.**

6. In any city of the first class in this state in which there is a board of health consisting of ten members, which shall have been constituted in substantial conformity with the provisions of this act, such board of health shall be deemed, taken and held to be a board of health created under the provisions of this act, and every such board of health is hereby perpetuated and continued and is hereby authorized, without reorganization, to exercise all the powers and required to perform all the duties applicable to boards of health mentioned in this act; but any vacancy in such board shall be filled as in this act provided.

**Vacancies,
how filled.**

**Repealer;
exception.**

7. All acts and parts of acts, general or special, inconsistent with this act, are hereby repealed, but nothing herein contained shall repeal or alter the provisions of an act entitled "An act to authorize cities in this state to construct hospital buildings and to purchase land therefor," approved April seventh, one thousand nine hundred and three, but said act shall remain in full force and effect until the construction and furnishing of the hospital buildings therein provided for shall have

been completed by the body now authorized by said act to complete the same; and this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 190.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities in this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Whenever any person who has purchased, or who shall purchase, any lands sold under proceedings had and taken under the provisions of the act to which this act is a supplement has died or shall die after such purchase and prior to the making and delivery of a deed under the provisions of the said act to which this act is a supplement, without giving any or all of the notices and without taking or completing any or all of the proceedings authorized or required to make such deed properly deliverable and to cut off all estates and interests in the said lands so sold, as provided in and by the said act to which this act is a supplement, and the various acts supplementary thereto and amendatory thereof, leaving an heir or heirs under the age of twenty-one years, to whom the estate of the said purchaser in said lands has descended or shall descend, any and all such notices, and any and all such proceedings may be had, taken and completed by the guardian or

Completion of
proceedings
relative to
transfer of
property
when pur-
chaser dies.

guardians of such minor heir or heirs on behalf of such minor heir or heirs, with the same force and effect as if had, taken and completed by the said heir or heirs, themselves being of lawful age.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 191.

An Act to amend an act entitled "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

1. Section two of "An act relating to, regulating and providing for the government of cities," approved on the eighth day of April, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

Election of municipal officers.

2. At the first general election for the election of municipal officers held after the adoption of this act in the cities of this state, two councilmen shall be elected for each ward in such city, one shall be elected for and hold office for a term of one year and one for a term of two years; and thereafter one councilman shall be elected in each ward in the said city to hold office for a term of two years; members of the city council shall receive no compensation; there shall also be elected one mayor, one recorder, one city treasurer, one collector of taxes, one overseer of the poor and such other elective officers as may be provided by this act or by law, and in each of the wards of such city there shall be elected such number of constables, justices of the peace and chosen freeholders as are now or may be hereafter

provided for by law; and that all elected or appointed officers for said city shall be duly-qualified voters therein.

2. Section three of "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

3. The term of office of all the officers elected or appointed in such city shall commence at twelve o'clock noon on the first Monday of the month succeeding the day on which the election is held; if any person elected shall not qualify according to law on or before the day herein fixed at which his term of office shall begin, or if any person appointed to office under the provisions of this act shall not qualify within ten days after his appointment, or if any elected or appointed officer shall remove from such city during the term of said office, then the office to which the person so removing or so failed to qualify is elected or appointed shall be deemed vacant.

3. Section twelve of "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

12. The councilmen of such city duly elected in the several wards thereof shall constitute and be called "The City Council of _____" (inserting the name herein of the city in which this act shall take effect).

4. Section thirteen, paragraph XIII. of "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

XIII. To provide for, construct, regulate, protect and improve the parks, public burial grounds or other public grounds in said city and to protect the property of such city from encroachments of the sea; to determine upon, provide for, build and maintain an elevated walk or pier extending into the sea or ocean of suitable material, to be used as a promenade or boulevard or landing-place for boats along any beach or ocean front within or adjoining such city, and to acquire lands, rights and interests in lands for these

Section amended.

When term begins.

Vacancy upon failure to qualify.

Section amended.

Legal name.

Section amended.

Powers of coast cities to make improvements.

Section amended.

Power of
mayor as
head of police
department.

Right to
suspend.

Vote neces-
sary to
confirm
suspension.
Section
amended.

purposes; also to provide for the control and management of the same.

5. Section twenty of "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

20. The mayor shall be the head of the police department and shall have charge and control of all policemen and subordinates in the police department, including a chief of police and such other officers as may be authorized by ordinance; he shall see that all such officers are prompt and faithful in the discharge of their duties and shall, from time to time, take such measures as he shall deem necessary for the preservation of peace and good order and the enforcement of the laws and ordinances of the city; he shall have the right to suspend temporarily until the final action of the city council thereon any and all policemen or officers of said department, and in such case he shall make a report in writing of his action and the cause thereof to the first regular meeting of the city council, provided at least forty-eight hours intervene between said suspension and the said meeting, and if less time intervenes, then he shall make said report to the next regular meeting of the city council; at the same time he shall give a copy of such report to the officer or person so suspended; that immediately upon his suspending such officer said officer shall cease to perform any of the duties of his office, but he shall remain under full pay until the city council shall have taken action confirming or disapproving of the action of the said mayor; but that no such action shall be taken until the person so suspended shall have been given five days' previous written notice thereof by the clerk of the time and place when the city council shall pass upon the report by the mayor and that at said time the person so suspended shall be offered an opportunity to be heard or produce witnesses in his own behalf and that in all cases it shall require a two-thirds vote of all the members of the city council in order to confirm the suspension.

6. Section thirty-nine of "An act relating to, regulating and providing for the government of cities,"

approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

39. The city council shall appoint therein three suitable persons, resident in such city, to constitute a board for the assessment and revision of taxes, to be known as "The Board of Assessment and Revision;" the first appointment made for members of such board shall be one for one year, one for two years and one for three years (the term of each appointee to be designated in his appointment), and thereafter one such commissioner shall be appointed each year for a term of three years.

7. Section fifty-two of "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

52. Every such city shall constitute a separate school district and be governed by "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, so far as the same relates to the organization and maintenance of the public schools therein; and the mayor and the members of the city council and other officers provided for by this act are hereby authorized and empowered to do and perform every act required and provided for by said act to establish a system of public instruction.

8. Section fifty-three of the act entitled "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, be amended so as to read as follows:

53. It shall be lawful for the city council of such city, whenever in its opinion the public good requires it, by ordinance to lay out and open any street, road, highway, alley, public park or public square within such city and to order and cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to purchase and condemn for any such purpose, when necessary, any lands and real estate upon making compensation to the owner or owners thereof as hereinafter provided; in like manner to order

Board of assessment and revision.

Section amended.

Every city a separate school district.

Section amended.

Power of council over streets, parks, sewers, etc.

and cause sewers or drains to be constructed; and also to order and cause any street or section of a street to be graded, graveled, paved, flagged or otherwise improved and regulated, in such manner as to the city council may seem advisable; and in each case the city council shall have power to cause an assessment to be made and levied upon the owners of property benefited by such improvement of so much of the cost and expense incurred in making the improvement as is represented by the special or peculiar benefit conferred upon such owners by the improvement; in no case, however, shall any assessment of benefits made under the authority of this act exceed the special or peculiar benefit which the owners of such property shall receive by reason of the improvement, and in all cases such assessment shall be made against the said owners in proportion to the benefits received by each; the city council shall have power also to provide for the construction, grading, curbing, flagging, paving, improvement or repair of the sidewalks within such city and for renewing, reconstructing and repaving the same; and it shall be lawful for the city council of such city, whenever in its judgment the public good requires it, by ordinance, to lay out and open on any beach or ocean front within such city a public street or boulevard upon which to construct, erect and maintain an elevated walk, and to acquire such lands, rights and interests in lands as may be necessary to keep the view oceanward from such elevated walk or structure, when constructed, open and unobstructed; and such city is hereby authorized and empowered to accept voluntary conveyances or dedication for such lands, rights and interests in lands, as may be necessary for the purposes herein specified, from the owners thereof; and the said city is hereby given power, in case such lands, rights and interests in lands cannot be secured otherwise, to purchase or condemn the same in the manner provided for the condemnation of lands for public purposes.

9. The following section, to be known as section eighty-seven, be added to the said act entitled "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three:

**Assessments
for benefits.**

Sidewalks.

**Boardwalk
along coast.**

**Acquire
property.**

New section.

87. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect or invalidate any other section or provision of this act.

Approved March 29, 1904.

Act not in-
validated by
questioning
any section.

CHAPTER 192.

Supplement to the act entitled "An act to amend the law relating to the property of married women" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The conveyance, assignment, release, discharge or receipt of any married woman affecting only her personal estate and choses in action or any interest therein, may be executed without the concurrence of her husband, and when heretofore or hereafter acknowledged by her in the manner deeds of real estate are required by law to be acknowledged by a single woman, may be recorded in the public offices of this state wherein provision is now made for the recording thereof.

Conveyance
by married
woman with-
out concur-
rence of
husband.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 193.

An act to amend an act entitled "An act for the punishment of crimes" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one hundred and sixty-six of the act entitled "An act for the punishment of crimes" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninetey-eight, is hereby amended so that the same shall read as follows:

166. Any person who shall receive or buy any goods or chattels or chose in action, or valuable thing whatsoever, that shall be stolen from any other person or taken by robbery from him, knowing the same to have been stolen or taken by robbery, whether such stealing or robbery shall have been committed either in the state of New Jersey or in some other state of the United States, or shall receive, harbor or conceal any thief or thieves, robber or robbers, knowing him, her or them to be so, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved March 29, 1904.

Section
amended.

Having goods
known to be
stolen, or
harboring
thief, a mis-
demeanor.

CHAPTER 194.

An Act authorizing the acquisition by the state for public use of certain lands in the township of Wall, Monmouth county, New Jersey.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The treasurer of this state and the comptroller of the treasury are hereby authorized to acquire by gift, grant, purchase, condemnation, through municipal action, or in any other lawful manner, in the name of the state and for its use, which is hereby declared to be a public use, so much land in the township of Wall, county of Monmouth, this state, immediately adjoining the land now owned by the state at Sea Girt in said township and used for military purposes, as in their discretion they may think desirable, not exceeding thirty acres in a southerly direction and twenty acres in a northerly direction of said lands owned by the state at Sea Girt, township of Wall aforesaid.

Acquire additional land for state camp.

2. The said officers are hereby further authorized, in their discretion, to remove any and all buildings from said lands and to lay out and improve the same.

Improvements.

3. All roads, streets or alleys dedicated to public use and being upon the lands aforesaid, are hereby declared to be vacated as soon as said lands shall be acquired by the state for public use.

Streets closed.

4. Not more than twenty-three thousand five hundred dollars shall be expended by virtue of the authority conferred by this act.

Appropriation.

5. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 195.

An Act to amend an act entitled "An act to provide for the payment of wages in lawful money of the United States every two weeks," approved March sixteenth, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

Act to be enforced by labor bureau.

In effect.

1. Amend section three of an act entitled "An act to provide for the payment of wages in lawful money of the United States every two weeks," approved March sixteenth, one thousand eight hundred and ninety-nine, so that the same shall read as follows:

3. The department of labor of this state shall be and hereby is authorized and directed to enforce the provisions of this act and the commissioner of labor shall make complaint against any employer or employers who neglect to comply with the provisions of this act for a period of two weeks after having been notified in writing by said commissioner of labor of the violation of this act; and it is hereby made the duty of county prosecutors of the pleas of the various counties in this state, to appear in behalf of the department of labor in all proceedings brought herein by the commissioner of labor.

2. This act shall take effect September first, one thousand nine hundred and four.

Approved March 29, 1904.

CHAPTER 196.

A Supplement to an act entitled "An act respecting conveyances" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Any corporation or association heretofore created, or which may be hereafter created, under and by virtue of any law of this state, which may have, during the period of its corporate existence, made any conveyance of lands in this state, and thereafter shall cease to exist, by reason of dissolution, death of all its members, or otherwise, and it shall thereafter be discovered that error exists in the deed or conveyance of any such lands so conveyed by any corporation or association as aforesaid, then, in such case, any surviving president, vice president, director or trustee of such defunct corporation or association may, by deed of confirmation containing a proper recital, correct such error in such deed or conveyance; and in case there shall be no surviving president, vice president, director or trustee of such corporation or association, then the oldest son or grandson (if such oldest son shall be deceased; *provided*, said son or grandson shall be of legal age) of any such president, vice president or the oldest son or grandson of the last surviving director or trustee may make said deed of confirmation; and any such deed so made by any surviving president, vice president, director or trustee of any such corporation or association, or the oldest son or grandson of any such president, vice president, last surviving director or trustee of any such corporation or association, or of any commissioner appointed to make and execute such deed, as hereinafter set forth, shall be as valid and effectual

Deed of confirmation where corporate existence ended.

Proviso.

Proviso.

in law as if made and executed under the corporate seal of such corporation or association during the period of its corporate existence; *provided*, that no person or persons, corporation or association, shall be entitled to the benefit of this act, without having first applied by petition to a circuit judge or law judge of the county in which the lands may be situate, setting forth the nature of the error in such deed or conveyance, and the relief sought; and upon ten days' notice of such application given to the person who, under this act, would be the proper person to make and execute such deed, a hearing shall be had; and if the said judge to whom such application shall be made, shall be convinced of the merit thereof he shall forthwith make an order directing such surviving president, vice president, director or trustee, or the oldest son or grandson of any such president, vice president, director or trustee, of such corporation or association, to execute said deed; in the event of the neglect, refusal or failure of the person so ordered to make and execute such deed, within twenty days after the service of a certified copy of such order upon him, said judge shall appoint a commissioner to execute said deed; all costs of such application to be at the expense of the petitioner, or the person or persons, corporation or association so benefited thereby.

Repealer.

2. All acts or parts of acts inconsistent herewith, to the extent of such inconsistency, be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved March 29, 1904.

CHAPTER 197.

An Act to authorize fire or hose companies to change their names.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Fire company
may change
name.

1. Any fire or hose company heretofore or hereafter to be incorporated under any of the laws of this state

for the purpose of protecting life and property from fire, shall have the right to change its corporate name by a two-thirds vote of its board of directors, managers or trustees, who shall be present at a regular meeting or at a special meeting called for that purpose; *provided*, that the corporation cause to be made and filed a certificate in writing, which shall set forth the name of such corporation in use immediately preceding the vote and the making and filing of said certificate, and the name assumed to designate such corporation and to be used in its business and dealings in the place and stead of the former name, to which certificate shall be affixed the corporate seal of said company, if it has one, and the affidavit of the secretary or acting secretary of said company to the effect that the said certificate is made by authority of the board of directors, managers or trustees of said company as expressed by a two-thirds vote of the members present at a regular meeting or at a special meeting of said board called for that purpose, which certificate shall be executed under the hands and seals of the board of directors, managers or trustees of said company, or by two-thirds of said board, and acknowledged before some officer authorized to take the proof and acknowledgment of deeds for lands in the state of New Jersey, and shall be filed and recorded in the office of the clerk of the county in which such company shall be located; and that upon the making, filing and recording of the certificate as aforesaid, the said company shall have the right to use the new corporate name.

Proviso.

Right to new name.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 198.

A Supplement to an act entitled "An act creating the office of comptroller of the treasury, and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

State auditor.

1. There shall be appointed by the comptroller, by and with the consent and approval of the governor, an officer whose title shall be "State Auditor," who shall be attached to the office of the comptroller of the treasury and whose duty it shall be, under the direction and control of the comptroller, to examine, audit and state the accounts of any official, department, commission or board of the state of New Jersey, and for that purpose all officials, departments, commissions and boards are hereby required to lay open and expose to the examination of said auditor all books, papers, documents and accounts in their possession in which the state is interested.

Governor
may direct
examination.

2. The governor shall have the power and authority at any time to direct the said state auditor to inspect, examine, audit and state the accounts of any official, department, commission or board of the state of New Jersey and report thereon to him.

Salary.

3. The salary of the said state auditor shall be the sum of twenty-five hundred dollars a year, payable monthly by the treasurer of the state on the warrant of the comptroller, and his term of office shall be at the pleasure of the comptroller.

4. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 199.

An Act to amend an act entitled "A supplement to an act entitled 'An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants,'" which act was approved March twenty-fourth, one thousand eight hundred and ninety-seven, and which supplement was approved March twenty-third, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

1. It shall be lawful for the common council of any city governed by the provisions of this act to assess and collect, whenever such council shall deem it expedient and to the best interest of and for the good of such city, two mills or any portion thereof on each dollar of the assessed valuation of the property rated and returned for taxation therein, as shown by the duplicate of assessments for the previous year, for the purpose of publicly advertising such city.

Section
amended.

Tax for
publicly
advertising
city.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 200.

A Supplement to an act entitled "An act to authorize the issue of bonds for building public bridges in second class counties," approved March twenty-first, one thousand eight hundred and ninety-five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Bond issue
for bridge
purposes.

Referendum.

Election law.

Proviso.

May hold
special
election.

1. It shall be lawful for the board of chosen freeholders of any county of the second class in this state, for the purpose of building any new public bridge or bridges, or completing the construction of any bridge or bridges now under construction, or hereafter to be constructed, to issue bonds in the manner and form provided by the act to which this act is a supplement, to an amount not exceeding one hundred thousand dollars in addition to the bonds authorized by the act to which this act is a supplement.

2. This act shall not become operative in any such county until the same shall have been approved at a special election called for such purpose, notice of the time, place and purpose of which election shall have been given by advertisement in five newspapers of said county for a period of three weeks, at least once in each week, and by notice set up in three of the most public places of each voting district in such county, at least three weeks before the date fixed for such election.

3. Such election shall be governed by the provisions of the general election law, so far as the same are practicable; *provided*, that official envelopes shall not be required and the board of chosen freeholders of such county shall fix the hours for such election and shall prescribe the form of ballot.

4. The board of chosen freeholders in such county may, by resolution, provide for the submission of the

question of the adoption of this act at a special election, at such time as they may determine; *provided*, that no such resolution shall be adopted until after complete plans for the said bridge in the form in which it is proposed to construct, or complete or alter the same shall have been placed on file in the office of the clerk of such county, and said plans so placed on file and no others shall be followed in the construction of such bridge.

Proviso.

5. All expenses of such election shall be paid by the county, but if this act is adopted, such expenses shall be returned to the general county fund out of the proceeds of the issue of bonds.

Expenses.

6. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 201.

A Supplement to an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, one thousand eight hundred and seventy-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall and may be lawful for the municipal board, council or other governing body of any city of the third class in this state having charge and control of the water works for the supply of the inhabitants thereof, erected and operated under the provisions of the act to which this is a supplement, whenever in its judgment it shall be expedient so to do, to cause to be constructed an additional suitable cast-iron pipe line or main to connect its pumping station, located outside of the limits of said city, with any reservoir or water-supply of said city; *provided*, such pipe line shall be constructed by contract, after public bidding therefor in the manner prescribed in the laws now governing such city.

Additional
water pipes.

Proviso.

Bond issue
to supply
funds.

Proviso.

May issue
temporary
obligations.

Character
of bonds.

Use of re-
ceipts from
water rents.

2. In order to supply the funds required for such construction, the municipal board, council or other governing body of any city of the third class may issue the water bonds of such city, to the amount required, to pay for the cost of construction of said pipe line or main, which bonds shall be sold to the highest bidder therefor, after advertisement for bids for at least two weeks, once in each week, in a newspaper published and circulating in said city; *provided*, that bonds shall not be issued, under this act to an amount exceeding thirty thousand dollars.

3. The said municipal board, council or other governing body of any city of the third class may, during the construction of said pipe line or main, issue notes or obligations to pay for the cost thereof, as necessity may require, which said notes or obligations shall be sold for not less than par, and shall bear interest at a rate not exceeding six per centum per annum; at the completion of such work and upon the issuance of the bonds heretofore authorized, all of said notes or obligations shall be paid.

4. All of the bonds to be issued under the provisions of this act shall be payable in not more than twenty-five years, and at periods determined upon by the municipal board, council or other governing body of such city; they shall bear interest at a rate not exceeding five (5) per centum per annum, said interest payable semi-annually, and be in such sums as such municipal board, council or other governing body shall determine; they shall be executed under the corporate seal of such city, and the signature of the mayor and comptroller or other financial officer, and may be either registered or coupon bonds, as determined by such municipal board, council or other governing body.

5. Such portions of the moneys received from the water rents or prices paid for the use of water in such city, and interest on arrears of water rents, as may remain after paying all expenses and costs for purchasing water works or for constructing and maintaining water works and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first to the pay-

ment of interest upon the debt created for the purchase and construction of the works under the act to which this is a supplement; and next to the payment of interest upon the debt created for the building and construction of the pipe line main herein authorized, and next to the payment of bonds issued under the act to which this is a supplement; and next, for the payment of the bonds issued by virtue of this act; all balances at the end of each fiscal year to be deposited with the sinking fund commissioners of such city by whatever name they may be known.

6. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 202.

An Act to amend a supplement to an act entitled "An act for the punishment of crimes" [Revision of 1898], approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one of the supplement of the act to which this act is an amendment is hereby amended so as to read as follows:

Any husband or father who deserts and willfully refuses or neglects to provide for and maintain his wife or minor child or children, shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars or imprisonment with or without hard labor, as the court may direct, for any term not exceeding one year.

Section amended.

Neglect of family a misdemeanor.

2. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 203.

An Act to amend an act entitled "An act concerning disorderly persons" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

1. Section sixteen of this act to which this act is an amendment is hereby amended so as to read as follows:

Poorhouses,
etc., declared
workhouses.

16. All poorhouses, county farms, houses of correction, penitentiaries and other places provided for the keeping of the poor, are hereby declared to be workhouses for the purposes of this act, and it is hereby made the duty of the custodians of such buildings to provide work for such persons, and to compel them to work therein when able, not less than six hours per day.

Section amended.

2. Section forty of the act to which this act is an amendment is hereby amended so as to read as follows:

Penalty.

40. In all cases where any person is convicted of having violated any of the provisions of this act, it shall be and may be lawful for the magistrate before whom such person was convicted to sentence such person to the workhouse, "penitentiary" or common jail of the county in which such person may be convicted, for a period not to exceed "one year," or to impose a fine not exceeding twenty-five dollars on such person; *provided*, the provisions of this section shall not apply to persons referred to in the ninth and seventeenth sections of this act.

Proviso.

3. Section forty-one of this act to which this act is an amendment is hereby amended so as to read as follows:

Section amended.

Payment of
fine after
commitment.

41. After such person, in default of paying such fine, shall have been committed to said workhouse, "penitentiary" or jail, it shall be lawful for the magistrate

to discharge such person on receiving such fine, or portion thereof, as he may see fit; if the fine is not paid the person so fined shall be discharged from custody after serving twice the number of days that there are dollars of fine imposed; but the provisions of this section shall in nowise affect the proceedings against persons referred to in the seventeenth section of this act.

4. Section forty-two of this act to which this act is an amendment is hereby amended so as to read as follows:

42. Whenever, under any law of this state, it may be required of, or may become the duty of, any magistrate to commit any person for any offense to the workhouse "or penitentiary" of the county, there being no workhouse "or penitentiary" at that time in such county, then it shall be lawful for such magistrate to commit such person to the common jail of said county for such term and upon such conditions as are required where a workhouse "or penitentiary" may exist or has been established in any county.

Section
amended.

When com-
mitment to
jail.

5. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 204.

A Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, one thousand nine hundred and one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be the duty of any person, persons or corporation to whom milk is shipped by any person in this state, before returning to such shipper the can or vessel used for transporting such milk, to remove all milk from such can or vessel and to thoroughly rinse

Cleansing
of milk cans.

such can or vessel with pure water or to cause the same to be done; and it shall be the duty of any person, persons or corporation shipping milk to any point or points within or without this state to thoroughly cleanse, or cause to be cleansed, the can or vessel used for transporting such milk before the milk is placed therein.

Penalty.

2. Whenever any person, persons or corporation shall violate any of the provisions of the first section of this act, such person, persons or corporation shall be liable to a penalty of twenty-five dollars, which shall be recovered in the same manner and in any court or before any magistrate that any penalty is recoverable under the provisions of the act to which this is a supplement.

3. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 205.

An Act relative to the vacation by the governing body of any city, town, township, borough or other municipality of this state of any land situated in such municipality and wholly or partially dedicated or devoted to public use, and the extinguishment of all public rights therein.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever within any city, town, township, borough or other municipality any land dedicated or devoted, wholly or partially, to public use shall be considered or deemed by the governing body of such municipality to be unsuited to or undesirable for such public use, or otherwise useless, burdensome or disadvantageous to the public or such municipality, said governing body shall have power and authority by ordinance and on such terms as it shall prescribe, with the consent of the owner of the fee, to vacate or extinguish the public

Municipality
may restore
land undesir-
able for
public use.

rights in and to the said land and to restore the said land to the holder or holders of the legal fee thereof, freed and discharged from all such public rights therein as if such public rights therein had never existed; *provided*, that nothing in this act shall authorize the taking of any street, lane, road or highway or any interest therein; and such vacation or extinguishment shall be and remain valid, and such lands shall, thereafter, be and remain the property of the holder or holders of the legal fee thereof, free, clear and entirely discharged of and from such dedication or devotion to public use as aforesaid; *provided, however*, that such ordinance shall not operate to effect said vacation and extinguishment as aforesaid until the proposition to so vacate and extinguish such public rights in any such lands shall have been submitted to and approved by a majority of the qualified voters of any such municipality voting at any general election for members of the assembly, public notice of the submission of which proposition shall be given by advertisements signed by the clerk of such municipality and posted in at least ten public places in such municipality and also published in at least two newspapers printed or circulating in such municipality at least twenty days before such election; *provided*, that such submission shall be had and such vote shall be taken whenever the governing body of any such municipality shall have, by resolution, determined that such proposition shall be so submitted; *and provided further*, that the proposition to be so submitted shall be worded and printed on the ballots used at any such election as follows: "For or against the vacation and extinguishment of the public rights in and to the following described land: (Here insert short description of said land);" *and provided further*, that nothing in this act shall authorize any municipal or private or other corporation to condemn any water main or pipe laid in any street or highway by any municipal corporation; *and provided further*, that nothing in this act shall authorize the taking of any land used or owned by any railroad or canal corporation without the written consent of such corporation; *and provided further*, that nothing in this act shall authorize the taking of any

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

Deemed
additional
legislation.

electric light, telegraph, telephone or street railway property or the vacation of any right or interest therein.

2. This act shall be deemed a public act and additional legislation for the purposes herein set forth, and that it shall take effect immediately.

Approved March 30, 1904.

CHAPTER 206.

An Act to authorize and empower the governing body of any city, town, township, borough or other municipality of this state to condemn, take and extinguish any right, title, interest, easement or estate in or to any land located in such municipality, dedicated or devoted, wholly or partially, to any public use.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Procedure for
condemning,
taking right,
title, etc., in
land.

Proviso.

Referendum.

1. Whenever the governing body of any city, town, township, borough or other municipality of this state desires and determines to condemn, take and extinguish any right, title, interest, easement or estate in or to any land located in such municipality, dedicated or devoted, wholly or partially, to any public use, it shall and may be lawful, and such governing body is hereby authorized and empowered by ordinance (*provided, however,* that such ordinance shall not operate to effect said taking, condemnation and extinguishment as aforesaid until the proposition to so condemn, take and extinguish such rights in any such lands shall have been submitted to and approved by a majority of the qualified voters of any such municipality voting at any general election for members of the assembly, public notice of the submission of which proposition shall be given by advertisements signed by the clerk of such municipality and posted in at least ten public places in such municipality and also published in at least two newspapers printed or circulating in such municipality at least twenty days

before such election; *provided*, that such submission shall be had and such vote be taken whenever the governing body of any such municipality shall have, by resolution, determined that such proposition shall be so submitted; *and provided further*, that the proposition to be so submitted shall be worded and printed in concise form by the clerk of such municipality on the ballots used at any such election) to proceed to condemn, take and extinguish any or all of such rights, titles, interests, easements or estates according to the procedure provided in an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" [Revision of 1900], approved March twentieth, one thousand nine hundred, and the supplements thereto and amendments thereof, except as such procedure may be herein modified; and all owners of such rights, titles, interests, easements or estates in such lands or any part thereof shall be notified as provided in the said hereinabove-recited act of the legislature of this state, and the commissioners in said act provided for shall ascertain, assess and report the value of such rights, titles, interests, easements or estates and the damages, if any, of all such owners, arising by reason of said condemnation, taking and extinguishment thereof, and the said value thereof, and the amount of damages, if any, so ascertained, assessed and reported, shall be paid to every such owner, or the same shall be paid into court in the same manner as provided in the said above-recited act of the legislature of this state and the supplements thereto and amendments thereof; and upon such payment to the owner, tender of payment, or payment into court of the said value, and the amount of damages, if any, so ascertained, assessed and reported as aforesaid, said rights, titles, interests, easements or estates shall be forever extinguished, and the said land shall be forever thereafter discharged and freed from the said rights, titles, interests, easements or estates so condemned, taken and extinguished as aforesaid, as if the same had never existed; *and provided further*, that nothing in this act shall authorize any municipal or private or other corporation to condemn any water main or pipe laid in any street or high-

Notice to
owners.

Amount of
damages paid.

Proviso.

LAWS, SESSION OF 1904.

- Proviso.** way by any municipal corporation; *and provided further*, that nothing in this act shall authorize the condemning, taking or extinguishing any right, title, interest, easement or estate in or to any land used, leased or owned by any railroad or canal corporation, without the written consent of such corporation; *and provided further*, that nothing in this act shall authorize the taking of any electric light, gas, telegraph, telephone or street railway property or any road, lane, street or highway or any interest in or right therein.
- Proviso.**
- Appeal from assessment.** 2. Any such owner whose rights are sought to be condemned, taken and extinguished under and by virtue of this act, and such municipality, may appeal from said valuation, assessment and report in the manner and within the time as in the above-recited act of the legislature of this state provided.
- Proviso.** 3. This act shall be deemed a public act, and shall take effect immediately; *provided, however*, that this act shall not repeal or affect any other legislation or proceedings thereunder, for the purpose of condemning and taking any lands or any interest or estate therein, and this act is declared to be additional legislation for such purposes.

Approved March 30, 1904.

CHAPTER 207.

An Act in relation to the revision, alteration, adjustment and settlement of taxes levied and assessed by any city of this state and remaining due and unpaid.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

- Settlement of taxes when lien of city is questioned.** 1. In any city of this state wherein taxes have been levied and assessed upon or on account of any lands or real estate, and remain due and unpaid, and where the lien of the city for such taxes so levied and assessed shall be for any reason questioned or impaired, it shall be lawful for the common council or board or body

having charge and control of the finances of such city, upon application and petition presented to it by any person or persons interested in said lands or real estate, to make a revision, alteration, adjustment or settlement of the taxes so levied and assessed and remaining due and unpaid, and any and all interest or penalties which may have accrued thereon, and to fix and determine an amount to be accepted by such city in full satisfaction thereof.

2. When any such revision, alteration, adjustment or settlement of taxes so levied or assessed, and remaining due and unpaid, shall be made, and the person or persons making such application shall within thirty days after such revision, alteration, adjustment or settlement pay the amount fixed and determined by such revision, alteration, adjustment or settlement, then, and in such event, the collector of taxes, or such person as may be authorized by law to receive the same, shall make and deliver to the person so paying the same a receipt therefor, and shall forthwith cancel the record of such tax or taxes, and such tax or taxes, together with all interest and penalties which may have accrued thereon, shall cease to be a lien upon the said lands or real estate, and shall be deemed and taken to have been fully paid, satisfied and discharged.

Payment of
amount fixed
and cancella-
tion of record.

3. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 208.

An Act for the sale in fee of land purchased by any taxing district for taxes, assessments or water rents.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In all cases where any parcel of land has been or shall be purchased by any taxing district on an official

Land sold for
taxes and not
redeemed
subject to
certain pro-
ceedings.

sale by the authorities of the district for unpaid taxes, assessments or water rents, and the land has not been or shall not be redeemed from the sale, or the tax title assigned or conveyed by the taxing district, such land shall be subject to the proceedings provided by an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," approved March thirtieth, one thousand eight hundred and eighty-six, and the several supplements and amendments thereto.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed.
3. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 209.

An Act to provide funds to enable any city or other municipality in this state to meet its obligations under any contract heretofore or hereafter made with railroad companies whose roads enter its corporate limits, for the change or elevation of their railroads, and, when necessary for that purpose, for vacating, changing the grade, or altering the lines, of any street or highway therein.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

- I. Where any city or other municipality in this state shall have entered, or shall hereafter enter, into an authorized contract with any railroad company for the location, relocation, change, alteration of grades, depres-

Municipality
may issue
bonds to meet
its share of
expense in
changing
grades of
railroads
therein.

sion or elevation of its railroad, or any part thereof, within such city or municipality, such city or other municipality shall provide its lawful share of the money necessary to do the work and make the payments required by such contract and its lawful share of all moneys necessary to pay for any and all lands condemned and taken or purchased by such city under or in furtherance of any such contract by the levy of a general tax for one or more years, or by the issue and sale of bonds of such city or other municipality to run not exceeding fifty years, at a rate of interest not exceeding five per centum per annum; such bonds to be of such form, denominations, terms and conditions as the board having control of the finances of such city or other municipality may determine; and such city or other municipality shall, in its annual tax levy, raise moneys sufficient to pay the interest on said bonds and also to provide a sinking fund for their retirement at maturity.

Time; rate.

Sinking fund.

2. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 210.

An Act concerning licenses.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The clerk of any court, council or board authorized to transfer any license shall, upon payment of one dollar, to be used as the fee for such license issued, record any power of attorney to transfer such license, and such license may be transferred thereafter only on application of the grantee of such power.

Transfer of license.

2. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 211.

A Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, one thousand nine hundred and one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The board of health of any municipality in this state shall have the power to designate from among its sanitary inspectors one or more inspectors who shall be known as inspector or inspectors of foods and drugs of such municipality, and whose duties shall be, besides the usual duties of a sanitary inspector in such municipality, to aid in the enforcement of the act to which this is a supplement, and who shall have all the powers and authority given or to be given by said act or the acts supplementary thereto or amendatory thereof to any inspector appointed thereunder.

2. This act shall take effect immediately.

Approved March 30, 1904.

Inspector of
foods and
drugs.

CHAPTER 212.

An Act to authorize boards of aldermen or common councils of cities of this state having the office of receiver of taxes to fix the term of office of such receiver of taxes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be lawful for the board of aldermen, common council or other governing body of any city

Term of
receiver of
taxes.

of this state having the office of receiver of taxes when such officer is chosen by the qualified electors of said city, by ordinance, to fix the term of any receiver of taxes hereafter to be elected at five years.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 30, 1904.

CHAPTER 213.

An Act amending an act entitled "An act to amend an act entitled 'An act to prevent the pollution of the waters of this state by the establishment of a state sewerage commission, and authorizing the creation of sewerage districts and district sewerage boards, and prescribing, defining and regulating the powers and duties of such commission and such boards,'" approved March twenty-first, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Said act be and is hereby amended by striking out section forty-two which reads as follows: "Waters of this state as used in this act shall not be held or construed to include the ocean, or any waters separating this state from any other, unless such waters are used for potable purposes;" *provided, however,* that this act shall in no way affect any completed work or any work at this time in progress, the completed plans of which have already been determined upon.

Section
stricken out.

Proviso.

2. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 214.

An Act to incorporate the municipality heretofore known as "The Long Branch Commission," and adjacent territory in the county of Monmouth, as a city, to be known as "Long Branch," and to fix the boundaries thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Territory included in city of Long Branch.

I. All that portion of the county of Monmouth, in the state of New Jersey, including the municipal division known as "The Long Branch Commission," and also adjacent territory: Beginning at a point in low-water line of the Atlantic ocean at North Long Branch, in the township of Ocean, in the county of Monmouth aforesaid, where the same is intersected by the division line between properties belonging to Edgar Levy and Aphie James; thence (1) westwardly along said division line, being the north line of lands belonging to said Edgar Levy, to a point in line with the middle of Fresh Pond road; thence (2) northwardly, along the middle of said Fresh Pond road to the north line of a lot of land on the north side of Columbia Place, belonging to Harriett Russell; thence (3) westwardly, along the north line of said lot of land belonging to Harriett Russell and the north, or rear, lines of lots fronting on the north side of said Columbia Place, to the easterly line of a tract of land formerly belonging to John R. West, deceased; thence (4) northwestwardly, along the easterly line of said tract of land formerly belonging to John R. West, deceased, to the middle of a small arm, or branch, of Mannahassett creek (formerly called Solomon's creek); thence (5) northwestwardly, along the middle of said arm, or branch, and the middle of said Mannahassett creek, the several courses thereof, to the middle of Branchport creek;

thence (6) southwardly and southwestwardly, along the middle of Branchport creek, the several courses thereof, to Turtle Mill brook; thence (7) westwardly, along the middle of Turtle Mill brook, the several courses thereof, to the middle of the brook known as the Joel Wardell brook; thence (8) southwardly, along the middle of said Joel Wardell brook, to the middle of Broadway, where the same is intersected by the middle of Oakwood avenue; thence (9) southwardly, along the middle of said Oakwood avenue, the several courses thereof, to the middle of High street; thence (10) eastwardly, along the middle of said High street to the middle of Norwood avenue; thence (11) southwardly, along the middle of said Norwood avenue, the several courses thereof, to the middle of Cedar avenue; thence (12) westwardly, along the middle of said Cedar avenue to a point where the middle of that portion of Norwood avenue, south of Cedar avenue, intersects the middle of said Cedar avenue; thence (13) southwardly, along the middle of said Norwood avenue, the several courses thereof, to the southerly line of a tract of land purchased by Lewis B. Brown and Amzi McLean and others; thence (14) eastwardly, along the southerly line of said tract of land purchased by Lewis B. Brown as aforesaid, the several courses thereof (said line being the northerly boundary line of the borough of Deal), to low-water line of the Atlantic ocean; thence (15) northwardly, along low-water line of the Atlantic ocean to the place of beginning, be and the same hereby is constituted a city in this state, and all the inhabitants of this state, residing within the limits aforesaid, shall be and hereby are ordained, constituted and declared to be from time to time and forever hereafter, a body politic and corporate, in fact and in name, by the name of "Long Branch."

Corporate
name.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 215.

An Act to incorporate the borough of Barnegat City
in the county of Ocean.

BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:

Corporate
name.

1. The inhabitants of that portion of the township of Long Beach, in the county of Ocean and state of New Jersey, hereinafter set forth and described, are hereby constituted and declared to be a body politic and corporate by the name of the "Borough of Barnegat City," and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at the South Cape of the old opening or mouth of Barnegat inlet; thence southerly along the beach two miles in length; thence westerly to Barnegat bay; thence northerly along the bay to Anchoring Point creek; thence still northerly along said creek to the main channel of said inlet; thence easterly along the main channel of said inlet to the beginning, being bounded on the north by Barnegat inlet, on the east by the Atlantic ocean, on the south by the southerly line of lands of Barnegat City improvement company, and on the west by Barnegat bay and Anchoring Point creek.

3. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 216.

An Act to consolidate with and annex to the city of Newark, in the county of Essex, the territory embraced within the borough of Vailsburgh, in the county of Essex; *provided*, a majority of the votes cast in said borough upon the question of such annexation and consolidation shall be in favor thereof, and the mayor and common council of said city shall consent thereto.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. On the first day of January, in the year one thousand nine hundred and five, there shall be annexed to and made part of the city of Newark, in the county of Essex, all the territory embraced within the bounds of the borough of Vailsburgh, in the county of Essex; *provided, however*, that this act shall not operate to effect such annexation and consolidation unless a majority of the legal voters in said borough shall be in favor thereof; the said question of annexation shall be submitted to the voters of said borough in the manner provided by law, at a special election to be held therein for that purpose on the twelfth day of April, in the year one thousand nine hundred and four; at least five days' notice of said election shall be given by the clerk of said borough by public advertisement in at least two daily newspapers circulating in said borough, or by posting printed notices thereof in at least ten conspicuous places therein; and if a majority of the votes upon the said question cast at the said election in the said borough shall be in favor thereof, and said result shall be duly certified to the mayor and common council of said city, then and not otherwise the said question of said annexation shall forthwith be considered and determined by the mayor and common council of said

Vailsburgh
annexed to
Newark.

Proviso.

Referendum.

city; and if said mayor and common council shall determine, by resolution, to accept said annexation, then this act shall become operative.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 217.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession" [Revision of 1903], approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section nine of the act to which this act is an amendment be and the same is hereby amended so as to read as follows:

9. It shall be unlawful to capture, kill, injure or have in possession any yellow legs, plovers, willets, sand pipers, dowitchers or robin snipe, brown backs, curlews, turn stones or calico backs, godwits or marlin and tattlers, or any other birds commonly known as shore birds, surf snipe or bay snipe, excepting only from the first day of May to the thirty-first day of December, both dates inclusive, of each year, under a penalty of twenty dollars for each bird so captured, killed, injured or had in possession; and it shall be unlawful to capture, kill, injure or have in possession any Wilson or English snipe (sometimes called bog snipe or jack snipe), excepting only during the months of March, April, September, October, November and December of each year, under a penalty of twenty dollars for each Wilson or English snipe so captured, killed, injured or had in possession.

2. This act shall take effect immediately.

Approved March 29, 1904.

Section amended.

Season for snipe, etc.

Penalty.

CHAPTER 218.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," approved March thirtieth, anno domini one thousand eight hundred and eighty-six

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The provisions of the act to which this act is a supplement, be and the same are hereby extended to include all cases where any municipal assessment for laying or constructing any water pipe, sidewalk, curbing, street pavement or guttering, or for grading or repairing or constructing any street, gutter, curb or sidewalk, or for any other local improvement, made in any city of this state, shall have been levied or imposed or attempted to be levied or imposed on any land in any such city subsequent to the passage of the act to which this act is a supplement, and also to include all assessments for any and all such local improvements to be hereafter made in any such city and for which improvements said assessments shall hereafter be levied or imposed or attempted to be levied or imposed.

Extension of
Martin act.

2. Sales of lands to enforce the payment of all such assessments, with the accrued interest and costs thereon, in any city in this state, shall be made in the same manner and by the same officer or officers and according to the directions and under the provisions of the act to which this act is a supplement, and it shall be the duty

Sales made
to enforce
payment.

Proviso.

of such officer or officers, from time to time, to make sales accordingly of all lands subjected to said assessments in any such city, and to enforce the payment of such assessments with the accrued interest and costs due thereon; *provided, however,* that no such sale shall be had until the assessment attempted to be collected thereby shall have remained unpaid and in arrears for the period of two years from and after the time when the same became or shall become due and payable according to law.

Repealer.

3. This act shall be deemed a public act and shall take effect immediately and that all acts and parts of acts inconsistent herewith, to the extent of such inconsistency only, be and the same are hereby repealed.

Approved March 29, 1904.

CHAPTER 219.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of state taxes upon certain corporations, and for the collection thereof,'" approved April eighteenth, one thousand eight hundred and eighty-four; which said supplement was approved April twenty-first, one thousand eight hundred and ninety-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

**Reinstatement
of corpora-
tions declared
void by
proclamation.**

I. If the charter of any corporation heretofore or hereafter created shall become inoperative or void by proclamation of the governor or by operation of law, for non-payment of taxes, the governor, by and with the advice of the attorney-general, may, upon payment by said corporation to the secretary of state of such sum in lieu of taxes and penalties as to them may seem reasonable, but in no case to be less than the fees required as upon the filing of the original certificate of incorpora-

tion, permit such corporation to be reinstated and entitled to all its franchises and privileges, and upon such payment as aforesaid the secretary of state shall issue his certificate entitling such corporation to continue its said business and its said franchises; *provided, however,* that the provisions of this act shall in nowise apply to any gas, electric light, telephone, telegraph, water, pipe-line, railroad or street railway company.

Proviso.

2. Nothing herein contained shall relieve said corporation from penalty of forfeiture of franchises in case of failure to pay future taxes imposed, as in said act provided.

Future taxes must be paid.

3. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 220.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and closed seasons for such capture and possession" [Revision of 1903], approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section thirteen of the act of which this act is amendatory, be and the same is hereby amended so as to read as follows:

Section amended.

13. It shall be unlawful to capture, kill, injure or destroy, or to have in possession any ruffed grouse (commonly known as partridge), quail, English or ring-necked pheasant, prairie chicken or any wild turkey, excepting only between the tenth day of November and the thirty-first day of December, both dates inclusive, of each year, under a penalty of twenty dollars for each ruffed grouse, quail, English or ring-

Season for grouse, quail, pheasant, prairie chicken and wild turkey.

Proviso.

necked pheasant, prairie chicken or wild turkey so captured, killed, injured or had in possession; *provided, however*, that it shall be lawful for the owner of game preserves at present established, to capture, kill, injure or destroy on said game preserve, or to have captured, killed, injured or destroyed on said game preserve; or to have in his or their possession any English or ring-necked pheasant, at any time between the first day of October and the thirty-first day of December, both dates inclusive; anything hereinbefore contained in this section to the contrary notwithstanding.

2. This act shall take effect immediately.

Approved March 29, 1904.

CHAPTER 221.

An act for the licensing and taxation of foreign corporations.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Action necessary for certain corporations to take to do business in this state.

Agent.

1. Every foreign corporation organized for pecuniary profit, except banking, insurance, ferry and railroad corporations, express companies, parlor, palace or sleeping car companies, surety companies, and corporations using or occupying public streets, highways, roads, or other public places in this state, shall file in the office of the secretary of state a copy of its charter, or certificate of incorporation, attested by its president and secretary, under its corporate seal, and a statement attested in like manner of the amount of its capital stock authorized, and the amount actually issued, the character of the business which it is to transact in this state, and designating its principal office in this state, and an agent who shall be a domestic corporation, or a natural person of full age, actually resident in this state, together with his place of abode, upon which agent process against such corporation may be served,

and an agency so constituted shall continue until the substitution by writing of another agent; such corporation shall at the same time file with the secretary of state a statement or report similar in all respects to the statement or report, if any, that is authorized by the laws of the state, territory or country in which such company is incorporated of corporations of New Jersey before they are allowed to transact business in such state, territory or country; upon the filing of such paper or papers, and the payment of the fee required by law, and such further and additional sum, if any, as corporations of New Jersey are required by the laws of the state, territory or country where such corporations are incorporated to pay, before they are allowed to transact business in such state, territory or country, the secretary of state shall issue to such foreign corporation a certificate that it is authorized to transact business in this state, and that the business is such as may be lawfully transacted in this state, and he shall keep a record of such certificates issued; it shall not be lawful for any such corporation to transact any business in any manner whatsoever, either directly or indirectly within this state, or to maintain any action or suit in this state upon any contract made by it, or for or on account of any transaction occurring, in this state, until it shall have obtained, and while it shall continue to hold as herein provided, the said certificate of the secretary of state; any foreign corporation transacting any business in any manner whatsoever, directly or indirectly, in this state, without having first obtained and continuing to hold the certificate aforesaid, shall likewise forfeit for each offense to the state the sum of two hundred dollars, to be recovered with costs, in the name of the state, by the attorney-general.

Authorization

Penalty for
unlawfully
transacting
business.

2. On or before the first Tuesday of May in each year after the issuing of the certificate aforesaid, every foreign corporation so receiving such consent shall report to the state board of assessors upon blank forms, to be prepared for that purpose, and to be mailed by the state board of assessors to the registered agent of such company, a statement duly verified by the president, secretary or treasurer of such foreign corporation,

Annual
report.

showing the amount of gross receipts of such foreign corporation, for business done in the state of New Jersey during the year ending December thirty-first next preceding; if such foreign corporation shall fail or neglect to file such annual certificate or statement so verified, on or before the first Monday of June following the date hereinabove provided for such filing, the state board of assessors shall, in writing, forthwith notify the secretary of state of such failure, and it shall be the duty of the secretary of state to forthwith revoke the certificate of authority of such corporation to do business in this state, notice of which revocation shall be given by the secretary of state to the corporations affected; upon the statement so made as aforesaid, the state board of assessors shall annually levy for said purposes a tax at the rate of five per centum per annum upon the amount of gross receipts from business done in the state of New Jersey as aforesaid by each of said foreign corporations, respectively, and shall make report of such assessment to the comptroller of the treasury, who shall collect the same in the same manner as the annual franchise tax on domestic corporations is now collected;

Basis of tax. *provided, however,* if it shall be shown to the satisfaction of the state board of assessors, upon appeal by such corporation, that the laws of the state, territory or country under which any such corporation is organized, exacts a tax at a less rate from corporations of this state similarly doing business in such state, territory or country, then, and in that case, the state board of assessors are hereby authorized to review and readjust the assessment levied against such foreign corporation to conform to the rate or rates of the tax annually imposed by such other state, territory or foreign country upon corporations of this state similarly doing business therein;

Proviso. *provided further,* that any appeal to the state board of assessors for review and readjustment of an assessment levied under the provisions of this act shall set forth the grounds of complaint, under oath, and shall be filed in the office of said state board of assessors within three months from the date of certification of said assessment to the comptroller of the treasury, or otherwise the right of appeal

shall be deemed to have been waived; the provisions of this section shall not apply to any foreign manufacturing or mining corporation, at least fifty per centum of whose capital stock issued and outstanding is invested in mining or manufacturing carried on within this state, or if any such foreign manufacturing or mining company so carrying on business in this state shall have less than fifty per centum of its capital stock issued and outstanding invested in manufacturing or mining business, carried on within this state, such company shall be entitled to have deducted from the basis of tax hereby imposed such proportion of its gross receipts as are received from goods or property so manufactured or mined by it within this state; in the event of the failure or neglect of any such foreign corporation to pay such assessment on or before the first day of November next following such assessment, immediate notice thereof shall be given by the comptroller of the treasury to the secretary of state, and the certificate of authority of said corporation to do business in the state of New Jersey shall be immediately revoked by the secretary of state, notice of which revocation shall be given by the secretary of state to the corporations affected, and thereafter such foreign corporation shall be, so far as the further transaction of business within the state of New Jersey is concerned, in the same condition as if no certificate of authority had ever been issued to it by the secretary of state; the said assessment shall be and remain until it is paid a lien upon the property real and personal of said corporation within the state of New Jersey, and interest shall be payable thereon at the rate of one per centum per month from the first day of July in each year; the amount so assessed, with interest, may be recovered in the same manner as taxes against domestic corporations are now collected, or at the option of the attorney-general may be sued for by him and collected in an action at common law, for the benefit of the state, and an injunction may be obtained against the further prosecution by said corporation of its business or franchise within this state, as provided in the case of domestic corporations.

3. Immediately upon the passage of this act, or as soon thereafter as may be practicable, the secretary of

Exceptions
to applica-
tion of act.

Revocation
of authority
upon failure
to pay tax.

Assessment
remains a
lien.

Report of
secretary of
state to
assessor.

state shall certify and report to the state board of assessors a list of the foreign corporations that may have, up to the time of the passage of this act, received certificates of consent to carry on business in the state of New Jersey, and shall, from time to time, further report to said state board of assessors the names of any foreign corporations subsequently receiving such certificates of consent; the certificates so furnished by the secretary of state to the said board shall set forth the name of the foreign corporation; the state or country under whose laws said corporation is organized; the name and address of its president and of its secretary; the amount of its capital stock authorized and the amount actually issued; the character of the business which it already does or will transact in this state; the location of its principal office in this state and the name of the agent in charge thereof, upon whom service of any process against such corporation may be made.

As to issue
of new cer-
tificate of
authority.

4. After the revocation of any such certificate of consent no new certificate of authority shall be issued by the secretary of state to such defaulting corporation, until the payment of all assessments imposed hereunder and remaining unpaid, with interest and any costs that may have accrued.

5. All acts and parts of acts inconsistent herewith be and the same are hereby repealed; *provided*, that nothing herein shall be construed or held to relieve any such foreign corporation from the performance of any duty, condition or requirement now imposed by law upon it before being permitted to transact business in this state.

6. This act shall take effect immediately.

Approved March 29, 1904.

Repealer.

Proviso.

CHAPTER 222.

A Supplement to an act entitled "An act for the maintenance of bastard children" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. After any bond has been entered into for the performance of any order of filiation, the overseer of the poor of any township or other municipality upon which the bastard child may be or become chargeable may apply to the court of quarter sessions of the county in which such township or other municipality may lie to inquire into the qualifications of the surety or sureties upon said bond, and said court may, upon such notice as it may deem proper, order a new bond with good and sufficient surety and with a condition similar to the one replaced by it to be given whenever the surety or sureties may have died or shall not then be satisfactory to the court.

Qualifications
of surety;
court may
order new
bond.

2. Upon such new bond being executed to the satisfaction of said court, the bond replaced by it shall no longer secure payments which may thereafter become due, but said old bond shall still be valid as to any arrears of payments up to the time when the new bond is executed; if the putative father shall fail to give said bond so ordered, the said court may in its discretion commit said person to the common jail or the penitentiary of the county, there to remain until he shall comply with said order or be discharged by said court in the manner provided in the act to which this is a supplement.

Replaced bond
void except as
to arrears.

If father fail
to give bond,
may be im-
prisoned.

3. Whenever any person shall, on account of inability to secure a bond or comply with the order of filiation, have been discharged from imprisonment and shall have

If discharged
and able to
secure bond.

become able to secure such bond or to comply with such order, the said court may, on application of the overseer of the poor of any township or other municipality which may be interested in the order and upon at least three days' written notice to such person, served upon him personally or left at his place of abode, inquire into the circumstances and ability of the putative father, and if it shall appear that such father shall have become able to secure such bond, or to comply with such order of filiation, may in its discretion commit such father to the common jail or penitentiary of the county, there to remain until he shall secure such bond and comply with such order and pay all costs, or be discharged by said court in the manner provided in the act to which this is a supplement.

Repealer.

4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 223.

An Act to enable cities which have no hospitals maintained by the city to enter into contracts for the purpose of supporting, maintaining and caring for indigent patients in any regularly incorporated hospital located in such city.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Support of hospitals by cities having none.

I. It shall be the duty of every city in this state which has no hospital located therein maintained by such city, when the provisions of this act are assented to by a majority of the electors of such city, voting at any municipal election, to make and enter into a contract or agreement with any regularly incorporated hospital supported in whole or in part by private subscription, and located in such city, to pay to such hospital

for a period not exceeding ten years in any one term, a sum equal to one-third of a mill on every dollar of assessable property returned by the assessor of said city, for the purpose of supporting, maintaining and caring for such indigent patients as may be sent to such hospital by order of any city physician, overseer of the poor or other proper authority of such city; *provided, however,* that this act shall not take effect in any city in this state until assented to by a majority of the legal electors thereof voting at any election for municipal officers to be held in such city.

Proviso.

2. The question of the adoption of the provisions of this act shall not be submitted to the electors of any city until after a resolution is passed by the legislative body of such city directing the clerk to give public notice of the submission of such question; that upon the adoption of such a resolution the clerk of such city shall cause notice of the submission of such question to be published in two newspapers circulating in such city; said notice to be published at least ten days before the holding of such election, and the officer charged with the duty of preparing the official ballots for the election of municipal officers of such city at such election, shall cause to be printed on each official ballot beneath the list of candidates thereon, the following words: "For the adoption of the provisions of an act entitled 'An act to enable cities which have no hospitals maintained by the city to enter into contracts for the purpose of supporting, maintaining and caring for indigent patients in any regularly incorporated hospital located in such city;'" that any elector desiring to vote against the adoption of such act shall express his intention by marking off or defacing the proposition to adopt the provisions of said act, and if such question or proposition be marked off or defaced upon a ballot, it shall be counted as a vote against the same; if it be not marked off or defaced it shall be counted as a vote in favor thereof.

Referendum.

3. If a majority of all the ballots cast at such election, shall be in favor of the adoption of the provisions of this act, it shall be the duty of the proper municipal authorities to make and enter into a contract with any

If election
favorable,
contract to
be made.

regularly incorporated hospital located in such city, for the support, maintenance and care of such indigent patients as may be sent to such hospital by the proper municipal authorities, as provided for in the first section of this act.

Annual ap-
propriation.

4. Upon the execution of any such contract by any city of this state it shall be the duty of the proper municipal authorities of said city to annually appropriate and raise by tax, in the same manner as other city taxes are assessed, levied and collected in said city, during the existence of such contract, a sum equal to one-third of a mill on every dollar of assessable property returned by the assessor of said city, for the purpose of taxation in such city, during the term of such contract, which sum when so appropriated shall be paid to the treasurer of the board of trustees, governors or directors of the hospital named in the said contract.

**If more than
one hospital.**

5. In case there should be more than one hospital supported in whole or in part by private subscription in any city adopting the provisions of this act, it shall be lawful for the proper municipal authorities of any such city to designate which of said hospitals said contract shall be made with, or to enter into contracts with more than one of them, and apportion the amount so to be raised by taxation among them, in such manner as in the discretion of such municipal authorities may be for the best interest of the public.

Approved March 30, 1904.

CHAPTER 224.

An Act to enable cities of this state to appropriate money for the support of hospitals.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

**Support of
hospitals by
cities.**

1. It shall be lawful for the common council, or other body having charge of the finances of any city of this state, to appropriate annually for the support of

any public hospital or hospitals located within such city, any sum of money not exceeding one mill on every dollar of assessable property in such city, and to raise such amount by taxation, and to pay the same to the proper authorities of such hospital or hospitals for the support thereof.

2. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 225.

An Act to provide for a board of commissioners of assessment in each city in this state except cities of the first class and those in which a board or mode of assessment of benefits is provided by the city charter.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In each city in this state except cities of the first class and those in which provision is made by the charter for the appointment or election of a commission or board for the assessment of benefits (or no mode of assessment of benefits other than the charging against each property or parcel the cost of making the improvement in the street or highway on which the same abuts or adjoins is prescribed) a board of commissioners of assessment is hereby created and shall consist of the city engineer and two of its members to be appointed to such board by the governing body of such city, the duty of which said board of commissioners of assessment shall be, after such notice to the parties in interest as said governing body shall prescribe, to ascertain and make assessments according to law and in proportion to the benefits received by each lot or parcel of land, for the benefits resulting to the abutting or adjoining lands (in such assessment specifying the amount thereof and the particular lot or parcel of land against which the same is assessed) from all street improvements such as paving, curbing, grading and guttering, and

Commissioners of assessment.

Duties.

Assessment
a lien.

Collection of.

Recovery of
assessment
by action in
court.

Proviso.

Repealer.

from the laying or relaying of sidewalks and water-pipes and to file a certificate of such assessment with the city clerk of said city, who shall thereupon present the same to the governing body of said city at its next meeting for its approval and confirmation; the amount of such assessments shall, after confirmation of the same by said governing body, be and become a lien upon the said abutting or adjoining lands in front or in the vicinity of which such improvements are made, as said lands are described and designated in said certificate of assessment, to the same extent that taxes and other assessments are liens in such city; and said assessments shall be collected in the manner provided by law provided for the collection of taxes and other assessments, and shall bear interest at the same rate; in addition thereto the city may have an action to recover the amount of any such assessment against the owner or owners of said lands in any court having competent jurisdiction thereof and a certified copy of such assessment shall, in any such action, be *prima facie evidence* of the existence of the debt due from said owner or owners to such city; in case any assessment for paving, curbing, grading or guttering or for laying or relaying sidewalks or water-pipes against any property in such city, whether made by the board of commissioners created under this act or by any other board, officer or authority in such city previous to the creation of a board under this act, is set aside by any court having competent jurisdiction, as illegal or unjust, said board of commissioners of assessment hereby created, shall be authorized and it shall be their duty to proceed, as soon as possible thereafter, to reassess such benefits against any such property according to law and in proportion to the benefits received from such improvement; *provided, however*, that nothing in this act shall affect any suit now pending instituted to test the legality of any such assessment heretofore made by any competent city authority.

2. This act shall take effect immediately and that all acts or parts of acts inconsistent herewith, to the extent of such inconsistency only, be and the same are hereby repealed.

Approved March 30, 1904.

CHAPTER 226.

An Act relating to the passage of ordinances.

BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:

1. In any city of this state where, by charter, a specific number of votes are required to pass an ordinance and the number of the members of the governing body thereof has been or hereafter shall be decreased by general legislation since the adoption of such charter, it shall be only necessary to have a majority vote of the members of such governing body to pass any ordinance and a two-thirds vote to pass an ordinance over the mayor's veto, and every such ordinance shall be read three times before its passage.

Votes necessary to pass ordinance.

2. All acts and parts of acts, general or special, inconsistent herewith are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 227.

An Act providing for a new publication of the public acts of the legislature of this state.

BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:

1. The governor shall appoint as soon as conveniently may be after the passage of this act a commission of three persons, learned in the law, whose duty it shall be to compile and edit the public acts of the legislature of this state, which work shall be known as the "Revised Statutes of New Jersey," and shall contain (1)

Commission to compile statutes.

Name.

all the public acts of the legislature of this state published in the year one thousand eight hundred and ninety-six, and known as the "General Statutes of New Jersey," under and by virtue of the provisions of chapter forty-one of the pamphlet laws of one thousand eight hundred and ninety-four, and (2) the session laws passed, or that shall be passed, by the legislature of this state between the first day of January, one thousand eight hundred and ninety-six, which are general and permanent in their nature and which shall be in force on the first day of January next; and said work shall contain abstracts from the public decisions of the courts of this state expounding or construing the said statutes, with citations of such decisions; any such commissioner may be removed by the governor; and in case of the death, resignation or removal of any commissioner the governor shall appoint his successor.

Work to contain abstracts and citations.

Mechanical make-up, index, etc.

2. The said work shall be of compact and convenient size, and shall be published in not more than three volumes; shall be bound in law sheep in a good and substantial manner; shall be furnished with a full and complete general index of its contents, and with a list, alphabetically arranged, of the cases cited in the abstracts of public decisions, and also a list, alphabetically arranged, of legislative acts passed since January first, one thousand eight hundred and ninety-six, and not published in said work on account of their not being general and permanent in their nature or not being in force January first, one thousand nine hundred and five; the said work shall correspond in arrangement of statutes and mechanical execution to the revision published in the year one thousand eight hundred and seventy-seven, and known as the "Revision of the Statutes of New Jersey," and amendments, wherever practicable, shall be incorporated in the original acts in their proper places.

Number prepared.

3. Six hundred sets of said work shall be printed and bound according to the general directions of this act and pursuant to specifications to be prepared for that purpose by said commissioners, which printing and binding shall be done by contract to be let by said commissioners; and said copies or sets of said work shall be delivered

to the state treasurer, who shall distribute the same as follows: To the governor, ten sets; to the secretary of state, comptroller, treasurer, clerk of the supreme court, clerk in chancery, attorney-general, commissioner of banking and insurance, members of the state board of assessors and of the state board of taxation, the chancellor, vice chancellors, justices of the supreme court, judges of the court of errors and appeals, each two sets; to the clerk, surrogate, sheriff, prosecutor of the pleas and board of freeholders of each county, one set; to each member of the present legislature one set, and to the clerk of the house of assembly and to the secretary of the senate of the present legislature, each one set; to the state librarian, ten sets; each county and district court library, two sets; each county and district court judge, one set; each New Jersey senator and representative in congress, one set; each circuit court judge, one set; to the head of each state department and the secretary to the governor, one set; to each registrar of deeds, one set; and the balance shall be distributed among the public officers and citizens of the state by and in the discretion of the governor, treasurer and comptroller.

Distribution.

4. Said work shall declare on its title page that the statute laws of this state therein contained are published under the authority of the legislature, and when so published the same shall be received as evidence of the public laws of this state, in any court in this state.

Title page.

5. The governor, comptroller and treasurer shall fix and determine the compensation to be paid to said commissioners, and said compensation shall be paid by the treasurer at the time of the completion of the work of said commissioners, or from time to time in installments, according to the terms so fixed, out of any moneys in the treasury not otherwise appropriated.

Compensation.

6. The said work shall be completed as soon as conveniently may be; *provided*, that if said work is not compiled before January first, one thousand nine hundred and six, then and in that case the laws to be passed by the next legislature shall be comprised in said work, duly indexed and annotated as aforesaid; said commissioners may employ such clerks and assistants as they

Completion.

Proviso.

Assistants.

may require and fix their salary or other compensation, subject to the approval of the governor, which salary or other compensation shall be paid by the treasurer on the warrant of the comptroller; and the incidental expenses of said commissioners shall be paid in a like manner.

Publisher.

7. It shall be lawful for the said commissioners, in letting the contract or contracts for printing said work, to agree that the publisher, who shall be a reputable and responsible publisher of this state, in addition to the moneys paid him for printing said work, shall after the completion of his contract, have the sole and exclusive use of the plates, matrices and type used in printing said work, for printing and publishing other additional volumes, to be sold or otherwise disposed of for his own use, profit and benefit; *provided*, he shall not be permitted to use said plates, matrices or type as aforesaid or to issue, or print, or publish, any such additional copies of said work until after the completion of his contract and the delivery to the state treasurer of said six hundred sets of said work duly bound and ready for distribution.

Proviso.

8. This act shall take effect immediately.

Approved March 30, 1904.

CHAPTER 228.

An Act to incorporate the borough of Fort Lee, in the county of Bergen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Corporate name.

1. The inhabitants of all that portion of the township of Ridgefield hereinafter set forth and described, are hereby constituted and declared to be a body corporate in fact and in law, by the name of "The Borough of Fort Lee," and as such, shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at a point in the Hudson river at a

point in the boundary line between New York and New Jersey which is determined by the prolongation of the southerly line of the borough of Englewood Cliffs, and from thence first in a northwesterly direction to the southeast corner of the said borough of Englewood Cliffs, thence continuing in the same course along the southerly line of said borough of Englewood Cliffs to the most westerly corner thereof, the same being a point in the easterly line in the city of Englewood; thence along the easterly line of the said city of Englewood, southerly to its most southerly corner; thence along the southerly line of the said city of Englewood in a northwesterly direction to the most easterly corner of the borough of Leonia; thence along the easterly line of Leonia borough, in its different courses, to its intersection with the north line of Palisade Park borough; thence easterly and southerly, along the line of Palisade Park borough, in its different courses, to its intersection with the north boundary line of Cliffside Park borough; thence along the north boundary line of Cliffside Park borough to its intersection with Edgewater borough; thence northerly, along the boundary line of Edgewater borough, in its different courses, to the Hudson river; thence in a southeasterly direction to the intersection with the boundary line between the state of New York and the state of New Jersey, and thence along the said boundary line to the place of beginning.

3. This act shall take effect immediately.

Approved March 29th, 1904.

CHAPTER 229.

A Further Supplement to the act entitled "An act to authorize a sluice and dam across Moonachie creek, in the county of Bergen," approved February seventh, one thousand eight hundred and sixteen.

WHEREAS, By an act entitled "An act to authorize a Preamble.
sluice and dam across Moonachie creek, in the county

of Bergen," approved February seventh, one thousand eight hundred and sixteen, and a supplement entitled "A supplement to the act entitled 'An act to authorize a sluice and dam across Moonachie creek, in the county of Bergen, approved February seventh, one thousand eight hundred and sixteen,'" which supplement was approved March seventeenth, one thousand eight hundred and sixty-five, there were appointed as managers John H. Outwater, Jacob J. Hopper and John H. Ackerman, with certain powers and duties, as set out in said act and supplement thereto; and

WHEREAS, The said Jacob J. Hopper and John H. Ackerman have since died, leaving the said John H. Outwater the sole surviving manager; therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. That Charles Smyth, of Woodridge, Bergen county, New Jersey, and William Foose, of Carlstadt, Bergen county, New Jersey, be and are hereby appointed managers in the place and stead of Jacob J. Hopper and John H. Ackerman, deceased.

2. Upon the death of one, the two surviving managers, together with the judge of the court of common pleas of Bergen county, or a majority thereof, shall have power and authority to appoint a person as manager to fill the vacancy then existing, the certificate of appointment to be given under the hand and seal of the said judge of the court of common pleas.

3. This act shall take effect immediately.

Approved April 5th, 1904.

Successors
appointed.

Vacancies.

Board of
public ac-
countants.

CHAPTER 230.

An Act to regulate the practice of the profession of public accountants.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Within sixty days after the passage of this act the governor of the state of New Jersey shall appoint three

persons, who shall be public accountants residing in the state of New Jersey, and who have been engaged in the practice of their profession for at least three years; the said three persons shall constitute the New Jersey state board of public accountants, one of whom shall be appointed to hold office for one year, one shall be appointed to hold office for two years and one shall be appointed to hold office for three years.

Term.

2. Upon the expiration of the term of each member, the governor shall appoint his successor from among the certified public accountants of the state of New Jersey for a term of three years, in like manner as the previous appointments; each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified.

Successors.

3. Any vacancy occurring in the membership of the state board of public accountants shall be filled for the balance of the unexpired term in like manner; the members of the board shall serve without compensation for their services, except as hereinafter provided.

Vacancies.

4. The members of the New Jersey state board of public accountants shall, before entering upon the discharge of their duties, and within thirty days after their appointment, take and subscribe an oath before any officer authorized to administer oaths in the state, for the faithful performance of duty, and file the same with the secretary of state; they shall annually elect from their board a president, a secretary and a treasurer; the offices of secretary and treasurer may, by vote of the board, be consolidated and held by one person; the officers shall receive such compensation for their services as may be determined by the board, as herein-after provided.

Oath; or-
ganization.

5. The board may adopt all necessary rules, regulations and by-laws to govern its proceedings, not inconsistent with the laws of this state or of the United States; the board may adopt a seal, and the secretary shall have the care and custody thereof, and shall keep a record of all the proceedings of the board, which shall be open to public examination.

Rules, by-
laws, seal.

6. Two members of the board shall constitute a quorum.

Quorum.

**Examination
of applicants.**

7. The board may adopt rules and regulations for the examination and registration of applicants desiring to practice the profession of public accountant, in accordance with the provisions of this act, and may amend, modify and repeal such regulations from time to time.

**Publish modi-
fications of
rules.**

8. The board shall immediately upon the election of each officer thereof, and upon the adoption, repeal or modification of the rules and regulations for the registration of applicants, file with the secretary of state and publish in at least one daily newspaper in the state the name and post-office address of each officer and a copy of such rules and regulations or the amendment, repeal or modification thereof.

**Semi-annual
examinations.**

9. Provision shall be made by the state board of public accountants for holding examinations at least twice a year of applicants, for registration to practice the profession of public accountant, if there shall be any such applicants; and the governor, upon the recommendation of the state board of public accountants, shall have the power to issue to any citizen of the United States, residing in or having a place for the regular transaction of business in the state of New Jersey, who shall be over the age of twenty-one years and of good moral character, a certificate authorizing him to practice as a public expert accountant, and such person shall be styled and known as a "certified public accountant."

Known as.

**Governor
may waive
examination.**

10. The governor may, in his discretion, on the written recommendation of the board, waive the examination of any person possessing the qualifications mentioned in section nine of this act, and issue to said person a certificate; *provided*, he shall have practiced for more than three years before the passage of this act as a public accountant in this state, and shall apply in writing for such certificate within one year after passage of this act.

Proviso.

**As to board
waiving ex-
amination.**

11. The board of examiners may, in their discretion, waive the examination of any person who shall at the time of his application reside or have a place for the regular transaction of business in the state, and shall hold a valid and unrevoked certificate as a certified public accountant, issued by or under the authority of

any state or territory; *provided*, that the state issuing the original certificate grants similar privileges to the certified public accountants of this state.

Proviso.

12. Before any such certificate shall be issued to any applicant therefor, he shall pay to the treasurer of the state board of public accountants the sum of twenty-five dollars.

Fee.

13. The governor may, upon recommendation of the board, revoke any certificate theretofore issued by him; *provided*, that said recommendation be made after a hearing thereon before said board, due notice of which shall be given to the holder thereof, and for sufficient cause shown at said hearing.

Revoke
certificate.

Proviso.

14. If any person shall advertise or put out any sign, card or drawing designating himself as a certified public accountant, or shall assume the title of certified public accountant, or use the abbreviation "C. P. A." or any other words, letters and figures to indicate that the person using the same is such certified public accountant, without a certificate thereof, in accordance with the provisions of this act, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars and not more than five hundred dollars for each offense, or shall be imprisoned in the county jail for a period of not less than one month.

Unlawfully
assuming
title a mis-
demeanor.

Penalty.

15. The expenses of said board and the officers thereof, and of the examination held by said board, and of any other matter in connection with the provisions of this act, shall be paid from the registration fees above provided for, and not otherwise; in no case shall such expenses or any part thereof be paid by the state of New Jersey, or be a charge against said state.

Expenses.

16. An itemized account of all receipts and expenditures of said board shall be kept by its treasurer and a detailed report thereof each year, ending with the thirtieth day of September, duly verified by the affidavit of the said treasurer, shall be filed with the secretary of state within sixty days thereafter. Said secretary of state shall be paid such fees therefor as are now paid for filing similar papers in his office.

Annual report.

17. The members of the board shall be entitled to reimbursement for their traveling and hotel expenses

Expenses.

Officers' compensation.

Surplus of fees.

incurred in pursuance of their duties, not to exceed five dollars per diem for each member of said board, and the officers of the said board shall receive such annual compensation as shall be provided by the board, by resolution, adopted by it at a regular meeting; no member of the board shall be held personally responsible for any portion of the salaries of the aforesaid officers, should the fees for certificates received by said board be insufficient to meet the same.

18. Any surplus of fees in the treasury of said board over and above the sum of five hundred dollars, after the payments of the expenses of the members of the board, and the salaries of the officers thereof, as herein provided for, shall be paid annually to the treasurer of the state of New Jersey, and shall thereafter be paid out only on the warrant and authority of the comptroller of the state of New Jersey.

19. This act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 231.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession" [Revision of 1903], approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

Season for geese, ducks, etc.

1. Section eight of said act be amended so as to read as follows:

8. It shall be unlawful to capture, kill or injure or to have unlawfully in possession after the same has been captured, killed or injured, any goose, duck, swan, brant or other water wild fowl, excepting only from the

first day of September to the thirtieth day of April, both dates inclusive, in each year, under a penalty of twenty dollars for each goose, duck, swan, brant or other water wild fowl so captured, killed or injured, or had unlawfully in possession; and the having in possession of any such goose, duck, swan, brant or other water wild fowl during the period prohibited in this section, shall, in every court and place, be deemed *prima facie* evidence that the same are unlawfully in possession.

Approved April 5, 1904.

CHAPTER 232.

An Act to provide for the free distribution of diphtheria antitoxine to the inhabitants of this state.

WHEREAS, The preparation known as diphtheria antitoxine has become of vital importance in the treatment and prevention of the spread of diphtheria; but, by reason of the cost at which the same may be purchased, it is impracticable to use the same to any great extent; therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The state board of health shall enter into a contract with some responsible manufacturer to supply free of charge, upon the certificate of the attending physician, to such indigent patients as shall require the same such antitoxine as may be necessary for their proper relief, at a cost of not exceeding four thousand dollars per annum.

Diphtheria
antitoxine
supplied to
indigent
patients.

2. For the purposes aforesaid the state board of health is hereby authorized to expend, and the state treasurer to pay out on warrants duly approved by the comptroller on the order of said board, such sums of money as may be necessary to carry out the provisions of this act, not to exceed seven thousand dollars, for per-

Appropriation.

manent equipment, and six thousand dollars for annual expenditures.

3. This act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 233.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture, and provide open and close seasons for such capture and possession" [Revision of 1903], approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Section sixteen of the above-entitled act be and the same is hereby amended so as to read as follows:

16. It shall be unlawful for two years after the passage of this act for any person to gun for or to take, or attempt to take, kill, injure or destroy, or to have in possession, any wild deer, be the same buck, doe or fawn, under a penalty of one hundred dollars for each offense; and thereafter it shall be unlawful to take, kill, injure or destroy, or to hunt with intent to take, kill, injure or destroy, any wild deer, be the same buck, doe or fawn, excepting only on every Wednesday in the month of November, under a penalty of one hundred dollars for each and every wild deer so taken, killed, injured or had in possession, and of one hundred dollars for each attempt to take, kill, injure or destroy deer, be the same buck, doe or fawn; and the having in possession of any such deer during the times and periods prohibited in this act, shall be *prima facie* evidence in all courts and places of the fact that they are in possession unlawfully; *provided, however,* that this section shall not be construed to interfere with owners of deer preserves at present established hunting or killing their

Section amended.

Deer.

Proviso.

deer whenever they see fit, or interfering with deer that have been legally killed or taken in other states and brought into this state properly tagged to show where they were killed or taken.

2. Section twenty-four of the above-entitled act shall be, and the same is hereby amended so as to read as follows:

24. It shall be unlawful for any owner, lessee or custodian of any dog to permit such dog to run at large in woods or field inhabited by rabbits or game birds, except only between the first day of October and the first day of February following; *provided, however,* that at all other times during the year, such dog or dogs may be allowed to run when the owner, lessee or custodian is with such dog or dogs; but at no time shall any dog be allowed to run rabbits at night, under penalty of twenty dollars for each offense; *and it is further provided,* that this act shall in nowise apply to fields or woods inhabited by deer.

3. Section twenty-seven of the above-entitled act shall be, and the same is hereby amended so as to read as follows:

27. It shall be unlawful to take, catch or have in possession any black bass, Oswego bass, white bass, calico bass, crappie or pike perch excepting only from the twentieth day of May to the last day of November, both dates inclusive, of each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession.

4. Section twenty-eight of the above-entitled act shall be, and the same is hereby amended so as to read as follows:

28. It shall be unlawful to take, kill, catch or have in possession any pike or pickerel excepting only from the twentieth day of May to the last day of November, both dates inclusive, and from the first day of January to the first day of February, both dates inclusive, of each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession.

5. This act to take effect immediately.

Approved April 5, 1904.

Section amended.

Dogs running at large.

Proviso.

Proviso.

Section amended.

Bass.

Section amended.

Pickerel.

CHAPTER 234.

An Act to regulate fishing for sturgeon in the Delaware bay, river and their tributaries.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Sturgeon
fishing.

1. Hereafter it shall be lawful to fish for sturgeon in the Delaware bay, river and their tributaries, within the jurisdiction of this state, with gill net or drift net, the meshes thereof shall not be less than ten inches, except from sunset on Saturday until twelve o'clock on Sunday night of each and every week; *provided*, that no sturgeon under four feet in length shall be taken from the water, killed, had in possession, or offered for sale, under a penalty or fine of ten dollars and costs for each and every sturgeon under four feet in length so taken, had in possession, killed, sold or offered for sale.

Proviso.

2. If any person or persons, or corporation, shall fish for sturgeon in the Delaware bay, river or their tributaries, within the jurisdiction of this state, with gill net or drift net, between sunset on Saturday until twelve o'clock on Sunday night of each and every week, or with a net the mesh thereof less than ten inches, such person or persons violating this provision, shall forfeit and pay a fine of one hundred dollars, together with costs of suit for each and every offense.

Violations.

3. The provisions of this act shall be enforced in accordance with the provisions of an act entitled "An act to provide uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven and the supplements thereto and amendatory thereof.

Penalty.

Act—how
enforced.

4. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 5, 1904.

CHAPTER 235.

An Act to amend an act entitled "An act to regulate elections" (Revision 1898), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Section fifteen of the act of which this act is amendatory, be and the same is hereby amended so as to read as follows:

Section amended.

DISTRICT BOARDS OF REGISTRY AND ELECTION.

15. The county board of election in each county shall cause to be made a complete registry of all the legal voters in their respective counties, and for that purpose shall appoint for each election district in the county four persons, legal voters and residents of such districts, to be the board of registry and election for such district; not more than two of such appointees in each election district shall belong to the same political party; the said boards of registry and election shall be appointed on or before the twenty-fifth day of August in each year, upon nominations made in writing by the chairman of the county committee of each of the two political parties which at the last preceding general election cast the largest and next largest number of votes in said county for members of the general assembly; said nominations shall be made after the tenth and not later than the fifteenth day of August in each year; and in event that either chairman shall neglect to file such nominations in the manner and within the

Registry list made.

When board appointed.

LAWS, SESSION OF 1904.

Proviso.

time herein prescribed, the county board of election shall immediately cause notice to be given to said chairman, and he may supply the deficiency in the list of nominations on or before August twenty-second next following; and the county board of elections shall appoint said nominees; *provided, however,* that all nominees shall answer in writing, over their own signatures and to the satisfaction of the county board of elections, all reasonable questions which may be submitted to them or prepared for that purpose by the county board of elections, which refer to the efficiency, eligibility and character of the nominees, and bear upon their fitness to serve as members of the board of registry and election; and on failure so to do said board may by a majority vote reject such nominee, and thereupon shall immediately notify such chairman to nominate another member of such board; if the chairman of either of the said county committees shall fail to present in the manner and within the time herein specified, a list of nominees for appointment as members of the district boards of registry and election, the county board of elections shall supply any deficiency in the list of nominees from members of the political party of which the delinquent chairman is a member; *provided, also,* that the county board of elections may remove from office any member of any board of registry and election for neglecting or refusing to properly discharge the duties of his office at the time required by law, for intoxication, for incapacity or for deceit or falsehood exercised in securing his own appointment; and all police officers, constables, sheriff and peace officers are hereby required to remove summarily, by force if necessary, any member of the board of registry and election in said county whose removal has been ordered in writing by the county board of elections, attested by the signatures of the chairman and secretary of such board; the vacancy so made shall be filled immediately by the county board of elections, but for the unexpired term only.

Section amended.

2. Section seventeen of the act of which this is amendatory be and the same is hereby amended so as to read as follows:

17. The terms of office of the members of the district boards of registry and election shall begin on September first of each year, and expire on August thirty-first of the following year, or when their successors are appointed and qualified; all vacancies in the district boards of registry and election except those caused by the removal of a member from office shall be filled by the county boards of elections in the same manner as hereinbefore provided for the original appointment of such members, but for the unexpired term only; *provided, however*, that in case of a vacancy occurring in said board on the day of election, by reason of the absence or disability of a member except in case of removal by order of the county board of elections, such vacancy shall be immediately filled by the member of the district board of the same political party as the member whose place has become vacant; such appointment shall be immediately reported to the county board of elections.

Term of district boards of registry.

3. All acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 5, 1904.

CHAPTER 236.

An act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section forty of the act to which this act is an amendment is hereby amended so as to read as follows:

Section amended.

**Permits to
take carp and
suckers.**

Proviso.

40. The board of fish and game commissioners is hereby authorized to issue, in its discretion, to all properly accredited persons, permits to take carp and suckers from the ponds or lakes of this state by means of a net, the mesh of which shall be not less than two and one-half inches; *provided, however*, that in every case all game and food fish captured therein shall be immediately returned therefrom uninjured as far as practicable; such permits to be issued by the board of fish and game commissioners under such restrictions as to the method and time of using such nets as may be deemed proper by said board of fish and game commissioners.

2. This act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 237.

An Act to repeal parts of sundry acts to regulate fishing and the length of nets and seines in the county of Cape May.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. The several acts hereinafter stated and entitled as follows, to wit:

“An act to regulate the length of nets and seines to be used in Lower township, Cape May county, and in Cape Island sound,” approved March twenty-second, one thousand eight hundred and sixty.

“An act to regulate the length of nets and seines to be used in Middle township, Cape May county,” approved February twenty-fifth, one thousand eight hundred and sixty-one.

“An act to regulate the fishing with seines in Dennis township, county of Cape May,” approved March seventeenth, one thousand eight hundred and seventy.

**Portions of
sundry acts
repealed.**

"An act to regulate fishing with seines in the county of Cape May," approved March twenty-ninth, one thousand eight hundred and seventy-one, in so far as they apply to fishing or the use of seines or nets of any description in the waters of the Atlantic ocean and the Delaware bay, be and the same are hereby repealed, but in all other respects shall remain in full force and effect.

2. This act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 238.

An Act to require clerks or employes in any department of this state to pay to the state any money received for information disclosed, and constituting the failure so to do a misdemeanor.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

1. Whenever in any department of this state any clerk or employe shall receive any check, reward, fee or compensation for disclosing to any person or corporation any information concerning matters or things in such department without the knowledge and consent of the head of such department, it shall be the duty of such clerk or employe to forthwith hand over and pay to the treasurer of the state such check, reward, fee or compensation, and any failure so to do shall constitute a misdemeanor, and the said clerk or employe, upon conviction thereof, shall be subject to the full penalty therefor.

As to clerks receiving rewards for giving information.

2. This act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 239.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession" [Revision of 1903].

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

Certain sized bass, trout and pickerel protected.

Proviso.

i. Section thirty-one of an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession" [Revision of 1903], be and the same is hereby amended so as to read as follows:

31. It shall be unlawful to kill, sell or expose for sale or have in possession any black bass, Oswego bass, white bass or calico bass measuring less than nine inches in length, or any pike perch measuring less than twelve inches in length, or any trout measuring less than six inches in length, or any pike or pickerel measuring less than twelve inches in length, except for the purpose of stocking the waters of this state therewith, and then only at the direction of the board of fish and game commissioners, or upon license first obtained from such board, under a penalty of twenty dollars for each fish so killed, sold, exposed for sale or had in possession; *provided, however,* that the esox fasciatus (commonly known as Long Island pickerel, varied pickerel and grass pike) is not included among the fish protected by this section.

Approved April 5, 1904.

CHAPTER 240.

An Act to amend an act entitled "An act concerning building and loan associations," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section forty of the act of which this act is amendatory be and the same is hereby amended so as to read as follows:

40. No building and loan association of this state or doing business therein, shall in the course of any fiscal year of such association pay as salaries, commissions, fees or other compensation to its officers, directors, auditors, attorneys, agents, clerks and all other employes, and for all expenses, sums of money the aggregate of which shall exceed the total receipts from admission or membership fees and one per centum of the average amount of loans outstanding during said year on mortgages, shares and other securities and investments in securities of the character authorized by this act and the equity in real estate owned or sold under contract; the term "expenses" as used in this section shall not be construed to include taxes on mortgages, or taxes, assessments, repairs and insurance on real estate owned, or interest on borrowed money and unpaid matured shares, paid or accrued, or dividends or interest on full-paid or prepaid shares paid or accrued, or other interest-moneys which the association may have paid or is obligated to pay for such fiscal year or expenses of foreclosures or other litigation; the provisions of this section shall not apply to any association whose assets are less than thirty-five thousand dollars.

2. Section fifty-one of said act shall be amended so as to read as follows:

Section amended.

Annual expenses.

Section amended.

Apportioning
gross
premiums.

51. No gross premium upon a contract sale of real estate, or gross premium on a loan or advancement, charged or received by any such association of this state, or doing business therein, shall be used or regarded by such association as a profit wholly earned if any part thereof is rebatable before the maturity of the shares upon which the loan is made; but it shall be apportioned over a period fairly estimated to mature the shares pledged thereon, and for that period, in a decreasing proportion, shall be carried as an unearned profit.

Approved April 5, 1904.

CHAPTER 241.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections' [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight," which supplementary act was approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section
amended.

1. Section two of the act of which this act is an amendment is hereby amended so as to read as follows:

General plan;
expense.

2. The general scheme and purpose of this act shall be as follows: the said primary elections shall hereafter be conducted at public expense; such primary elections for all political parties shall be held at the same time and place; the time shall be the first registry day, as herein-after fixed, and the places shall be the places of holding the said registry, in the fall of each year; and said primary elections shall be conducted by the boards of registry and election in the manner hereinafter provided from one o'clock until nine o'clock P. M., and substantially as general elections for members of assembly are now conducted, with official ballots, ballot-boxes, registry-lists

Time and
place.

How con-
ducted.

and polling-booths ; the first registry day in cities having a population exceeding thirty thousand shall be held on the second Tuesday of September in each year, and in all election districts outside of cities having a population exceeding thirty thousand, the said boards of registry and election shall sit for the purposes of this act as primary election boards on the second Tuesday in September ; the clerk of the city, town, township, borough or other municipality, as the case may be, shall prepare the primary ballots of all political parties from petitions filed in their respective offices as herein provided ; not less than ten (except as hereinafter provided) voters of any political party may file with the municipal clerk of their municipality, a petition endorsing any member of their political party as a candidate for the nomination of said party to public office, where such nomination is to be made at the primary election, or as a candidate for the position of delegate to a political convention of said party, where the party nomination is to be made by convention, and requesting that the name of the person so endorsed be printed upon the official primary ballot of such political party ; the said municipal clerks shall prepare official ballots for each political party for the said primary elections from the names of the persons so endorsed, arranging them alphabetically or in groups as hereinafter provided ; the municipal clerk shall also print upon the official ballot, opposite the name of any person endorsed as a candidate for the position of delegate, the name of the person who is the choice of such candidate for nomination at the ensuing convention of his political party, whenever said clerk is requested so to do by said candidate except as hereinafter provided ; the ballots so prepared for each political party shall be the only ballots permitted to be voted at the primary elections ; at such primary election the voters registered or who thereupon register for the ensuing general election shall be qualified to vote at such primary ; each voter shall request the party ticket he desires to vote, and thereupon he shall receive from the board of registry and election an official ballot of said political party prepared as aforesaid, and no other ; the voter shall then retire to the voting booth, and there prepare his ballot so as to indicate his choice

Registration.

Primary
ballots.Petition for
candidates.Official
ballots.Who may
vote.Voter to
prepare his
ballot.

Challenges.

for the candidates of his party to be there nominated, or his choice for delegates to the political convention of his political party, as the case may be, by erasing all names thereon other than those voted for and shall then deposit said ballot in the ballot-box of his party unless challenged, and if challenged make oath that he is a member of the said political party, that at the last election for members of assembly at which he voted, he voted for a majority of the candidates whose names were printed upon the party ticket of the said party, and intends to support the candidates of the said party at the ensuing election; in the case of any voter voting for the first time in this state, the portion of the said oath or affirmation in reference to previous voting shall be dispensed with; any voter who shall vote in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election; the said board of registry and election shall indicate in the registry-book the name of the political party whose primary ticket each voter voting at such primary election voted by writing opposite the name of each of such voters, in a column prepared for that purpose in such registry-book, the first letter of the name of such political party, as, for example, writing the letter "D" for democratic party, the letter "R" for republican party, the letter "P" for prohibition party, and in like manner for other political parties; the said board of registry and election, at the close of the primary election, shall canvass and count the said ballots of each political party, and shall prepare, sign and deliver to the clerk of the municipality in which said primary election is held, a statement of the results thereof, as in this act provided; a certificate showing the results of said statements shall be prepared and delivered by the municipal clerk to the successful candidates at said election, as determined by this act, which statement shall entitle the person holding the same to be the candidate of his party at the ensuing general election, or to attend the ensuing political convention of his party as a delegate, as the case may be.

Canvassing
ballots.Certificate
given
successful
candidates.Section
amended.

2. Section four of the act of which this act is an amendment is hereby amended to read as follows:

4. The official primary ballots to be used at all primary elections held pursuant to this act shall be prepared in the following manner, to wit: not less than ten legal voters of this state, who are members of the same political party, and resident in the same ward or township, or borough without wards, may prepare and sign, with their names, residences and post-office addresses, a petition addressed to the clerk of such municipality as may be proper pursuant to the requirements of this act, setting forth that the signers are qualified voters of the ward or township, or borough without wards, in which they reside; that they are members of a political party (naming the same), and that at the last election for members of the general assembly preceding the execution of said petition they voted for a majority of the candidates whose names were printed in the first place upon the ticket of such party, and that they intend to affiliate with said party at the ensuing election; that they endorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, or for the position of delegate or delegates to the ensuing state, congressional, county, assembly, city or town, ward or other convention (as the case may be) of said political party, and that they request the said clerk to print upon the official primary ballot of such political party the name of the person or persons therein mentioned as the candidate or candidates for such nomination, or for the position of delegate or delegates to the said convention, as the case may be; said petition shall further state the residence and post-office address of each person so endorsed, and shall certify that the person or persons so endorsed is or are legally qualified under the laws of this state to be nominated, or to act as delegate or delegates, as the case may be; each of the said petitions shall be verified by the oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition is signed in their own proper handwriting by each of the signers thereof; that such signers are, to the best of the knowledge and belief of the affiant, legal voters of the said ward or township, or borough without wards, as stated

Preparation
of primary
ballots.

Petition;
what to
contain.

Proviso.

in said petition, and belong to the political party named in said petition, and that such petition is prepared and filed in absolute good faith for the sole purpose of endorsing the person or persons therein named, in order to secure his or their nomination or selection as stated in said petition; *provided*, that in any township, ward or borough without wards where the total number of votes cast for the candidate of any political party for governor at the then next last preceding gubernatorial election did not exceed one hundred the number of signers to any petition of endorsement belonging to any said political party need not exceed one; *provided further*, that the signers to any single petition shall not therein endorse and recommend more persons as candidates for the position of delegate or delegates than are to be chosen at the ensuing primary election in the ward or township, or borough without wards, in which the signers to said petition reside, nor shall said signers endorse more persons as candidates for nomination to office than are to be elected in the ward or township, or borough without wards, in which such signers reside; said petitions shall be filed with the municipal clerk not less than ten days prior to said primary election.

Section amended.

3. Section seven of the act of which this act is an amendment is hereby amended so as to read as follows:

Ballots prepared by municipal clerk.

7. The said municipal clerk shall prepare and cause to be printed separate official ballots, one ballot for each political party, members of which have filed petitions as aforesaid, for use at such primary elections, placing thereon the names of the persons endorsed in said petitions; the names of all persons endorsed as aforesaid by members of a political party, and no others, shall be placed upon the official ballot of that party; the said names shall be arranged upon said ballots in alphabetical order, except that where several candidates for the position of delegate have named the same person or persons as their choice for nomination for office at the ensuing convention, the names of such candidates may be grouped together, being arranged in alphabetical order in such group; upon the right-hand side of the ballot shall be a column in which shall be printed the words "Choice for _____" (governor, congress, sheriff,

Arrangement of names.

mayor, or as the case may be) in which column, and underneath the words aforesaid, shall be printed the name or names of the person or persons whom any candidate for the position of delegate endorsed in any of said petitions may in his certificate request the municipal clerk to print upon the official primary ballot as his choice for nomination for office at the ensuing political convention; if the names of candidates for the position of delegates are grouped as herein provided, the said names may be bracketed and the name or names of the persons mentioned as the choice of said candidates at the convention may be placed opposite the bracket; *provided*, that the name of any person shall not be printed in the column headed "Choice for _____" opposite the name of any candidate for the position of delegate requesting the same to be so printed, if such person shall file a written protest with the said municipal clerk, requesting said clerk not to print his name opposite the name of the said candidate for the position of delegate; at the head of the ballot of each party shall be printed a distinctive party name or title, as for example "Democratic Primary Ticket" or "Republican Primary Ticket;" below, in appropriate places upon said ballots, shall be printed brief instructions to the voter, stating for how many candidates for each office, or for the position of delegate, the voter may vote, and stating that the voter must indicate his choice in each instance by erasing all names printed on said ticket, except the names of the candidates for whom he wishes to vote; the number of delegates to be elected in each ward or township, or borough without wards, by the voters of the respective political parties shall be as follows: for state conventions of the respective political parties there shall be one delegate for every two hundred votes cast by the political party for its candidate for governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction thereof over one hundred; for all other conventions of the respective political parties there shall be one delegate for each one hundred votes cast by the political party for its candidate for governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction

Proviso.

Distinctive
party name.

Instructions
to voters.

Number of
delegates.

Proviso.

thereof over forty; *provided*, that each ward or township, or borough without wards, shall be entitled to at least one delegate to each convention of each political party; but the delegate to any convention of a political party from any ward or township, or borough without wards, which at the then last preceding gubernatorial election cast for the candidate of such party for governor less than the number of votes required by this section for one delegate, shall have in such convention such vote or fraction thereof as may be determined by the official party call of such party for such convention; it shall be the duty of the chairman of the county committee of each political party to notify the municipal clerk on or before the first day of July of each year of the number of delegates for which the members of the political party represented by the said chairman shall be entitled to vote in each election district in such municipality; in estimating the number of delegates to which any political party is entitled in the primary election, the said chairman shall be governed by the official election returns as filed in the office of the secretary of state; it shall be lawful for any person who shall object to the number of delegates to any political convention from any election district, as so fixed and determined, to make written application, duly verified, to the justice of the supreme court holding the circuit court in and for the said county, stating the facts of the case and the grounds of such objection, and requesting the said justice to investigate and determine the matter according to law, and if such justice shall be of opinion upon the facts stated that the ends of justice so require, he shall thereupon proceed in a summary way to hear the said application and make such order thereon as may be proper and just, which order of said justice shall be forthwith filed with the said municipal clerk, and such order shall, from the date of the filing thereof, be conclusive upon all parties, and shall, according to its terms, modify, enlarge or set aside whatever decision, if any, may have been made on such matter by said municipal clerk.

Hearing on objections.

Section amended.

Who elected delegates.

4. Section sixteen of the act of which this act is an amendment is hereby amended so as to read as follows:

16. The persons receiving the highest number of votes for the position of delegate to any convention on any

ticket of any political party at such primary election, to the extent of the number of delegates which the respective wards and townships and boroughs without wards are entitled to send to the said convention, shall be the duly-elected delegates to such convention, and said persons and no others shall be entitled to sit in the said convention as delegates as aforesaid, subject to the right of the said convention to be the judge of the qualifications of its own members in the case of a contest; the time and place of holding such conventions shall be determined by the state, congressional, county, or other proper committee of the respective political parties, but shall in all cases be after the holding of the primary election as herein provided; in the event that by reason of tie voting more candidates shall receive a sufficient number of votes to entitle them to be elected as delegates than the number of delegates the ward or township, or borough without wards, is entitled to send to the convention, the additional candidates so voted for shall be considered as chosen delegates to said convention, but in such convention they shall be entitled only to the appropriate fraction of a vote; that is to say, if a ward or township, or borough without wards, shall be entitled to send three delegates to a convention, and two candidates receive respectively the highest and the next highest number of votes, and the three candidates receiving the next highest number of votes shall each receive the same number of votes, the said three candidates shall also be elected delegates to the convention, but shall be entitled to only one-third of a vote each therein; the said municipal clerk shall deliver a certificate showing the result of said election to each of the persons ascertained as aforesaid to be successful candidates, which certificate shall be the credentials of the said delegates at the ensuing conventions of the respective parties.

5. Section seventeen of the act of which this act is an amendment is hereby amended to read as follows:

17. The municipal clerk shall send to the county clerk of his county a certificate showing the person in each political party receiving the highest number of votes for any office for which the candidate is to be voted for at the general election only in a single ward or township,

Time and
place for
convention.

If tie vote.

Credentials.

Section
amended.

Selection of
candidates in
wards and
townships.

LAWS, SESSION OF 1904.

and such person shall be the candidate of his political party at the ensuing election, and the county clerk shall cause his name to be printed as such candidate upon the official ballot of his party; in the event of a failure to select such candidate for any political party by reason of two or more persons receiving the highest and the same number of votes, the proper committee of the said political party shall select from the said candidates one to be the party candidate for the office in question, and file a statement of such selection with the municipal clerk, and the person so selected shall be the candidate of the party at the ensuing election; in the event of a failure of the said committee to make such selection, the municipal clerk shall make the selection from the persons receiving said highest and the same number of votes; in the event that any candidate chosen at a primary election for any office, the candidates for which are to be voted for only by the voters of a single ward or township, shall die, or remove from the ward, township or borough, or decline to run as a candidate, before the ensuing election, the proper committee of the party to which the person so declining or dying belongs shall have the power to fill said vacancy by filing a new nomination with the proper municipal clerk; notice of the selection as aforesaid shall be given by the municipal clerk to the county clerk.

Section amended.

Vacancies among delegates

Repealer.

6. Section twenty of the act of which this act is an amendment is hereby amended to read as follows:

20. In the event that any person so elected a delegate as aforesaid to any convention shall, after such election and before the meeting of such convention, die, or in writing addressed to the chairman of the said convention shall decline to act as such delegate, his place as such delegate shall be filled by a majority vote of the other delegates selected from the ward or township, or borough without wards, in which the person so dying or resigning was elected.

7. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 242.

An Act to amend an act entitled "An act to regulate elections" [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. Section forty-two of said act be amended to read as follows:

42. All certificates of nomination and all petitions naming candidates for office to be filled by voters of the entire state, or of any congressional district, or of any political division greater than a single county, shall be filed with the secretary of state at least twenty-five days previous to the election at which the candidates nominated are to be voted for; all certificates and petitions naming candidates to be voted for by all the voters of a single county or more than a single political division thereof, or where candidates for city offices are to be voted for upon the county ticket, shall be filed with the clerks of the respective counties wherein the officers nominated are to be voted for at least fifteen days prior to such election; all other certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen at least thirteen days before the election whereat they are to be voted for; all certificates and petitions when filed shall be opened, under proper regulation, for public inspection, and the same shall be preserved for one year; candidates nominated for any office in any certificate or petition shall manifest their acceptance of such nomination by a written acceptance thereof, signed by their own hand, upon or annexed to and filed with such certificate or petition, or if the same person be named for the same office in more than one petition annexed to one of such petitions; the name of any candidate who shall fail in

Section amended.

Time for filing certificates and petitions.

Acceptance by candidates.

Addresses
furnished
secretary
of state.

such manner to signify his acceptance of the nomination shall not be printed upon the ballots; it shall be the duty of the county clerks to certify to the secretary of state, within five days prior to the general election, the names, places of residence and post-office addresses of the several candidates nominated for senator and members of the general assembly, together with the title of the party nominating said candidates, and whether by convention or petition, with the dates of holding such convention and of the filing of such certificates of nominations and petitions.

Repealer.

2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 243.

An Act to enable street railway companies, or companies owning railroads operated as street railways, to become corporations to be governed and controlled by the provisions of "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three, and to prescribe a method therefor.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Enabling
street railway
companies to
come under
traction act.

1. It shall and may be lawful for any street railway company or other company owning a railroad now legally operated as a street railway, incorporated under any law of this state, to become a corporation whose property and franchise shall be governed and controlled, and which shall become possessed of the rights and privileges and subject to the duties prescribed by the provi-

sions of "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three.

2. Whenever the directors of any street railway company, or other company owning a railroad operated as a street railway, shall deem it for the best interest of the company that it become a corporation to be governed, controlled and operated by and under the provisions of "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three, it shall be lawful for such directors to call a meeting of the stockholders for the purpose of submitting such object to them for their consideration; due notice of the time and place of holding such meeting, and the object thereof, shall be delivered to such stockholders respectively, or sent to them by mail when their post-office address is known to the company; and, also, by a general notice published in some newspaper, in the city, town or county where such company has its principal office or place of business; and at said meeting of stockholders, the purpose of changing the government and control of the company from the laws pertaining to street railway companies, to the laws controlling the property, rights, privileges and franchises of companies organized under "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three, shall be considered, and a vote by ballot shall be taken thereon; said ballots shall be cast in person or by proxy, and if two-thirds in value of all the outstanding shares of stock of said company shall be in favor of such change, it shall then be lawful for the directors of such company to make a certificate in writing, under its corporate seal, signed by its president and attested by its secretary, setting forth the action of the company, and that it is the purpose of said company to become a corporation under the

Method of procedure.

Call meeting.

Notice.

Vote by ballot.

Certificate made and filed.

provisions of "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three, naming its directors and other officers and the date of their election, and term for which they were elected severally; the number of shares of capital stock, the amount or par value of each share, and how and when directors and officers shall be chosen after the expiration of the term of those in office at the time of making the certificate, with such other details, if any, as they shall deem necessary to perfect such corporation, and bring it within the terms and provisions of "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three.

3. Upon the making and filing of the certificate mentioned in the preceding section, in the office of the secretary of state, said company shall from thenceforth cease to be governed, controlled and operated by and under the law under which it was originally incorporated, and shall to all intents and purposes become and be thereafter considered as a corporation organized by and under "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three, and shall be in all things governed and controlled thereby, and shall be authorized and empowered to continue its business, and build, extend, construct, repair and operate its road, and entitled to all the rights, powers, privileges and franchises, as if originally incorporated thereunder; *provided*, that nothing herein shall operate to grant to any such corporation any franchise or privilege to maintain or build a trolley road in any street or highway, or to revive or renew any such franchise or privilege without the consent of the municipal or other board or boards having control of such streets or highways, granted and approved in the manner required by law at the time of giving such consent.

Thereafter
governed by
traction act.

Proviso.

4. The capital stock of said company shall in no way be affected by such change, unless provision therefor is made in said certificate, and suits may be brought by and against such company for causes arising before as well as after such change.

As to capital stock and suits.

5. All acts and parts of acts inconsistent with this act, to the extent of such inconsistency, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved April 5, 1904.

CHAPTER 244.

An Act to amend an act entitled "An act to validate taxes heretofore levied, bonds or obligations issued, contracts made or other acts done for school purposes which may be illegal because of the fact that the law under which they were so levied, issued, made or done has been declared unconstitutional," approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section of the act to which this act is an amendment is hereby amended so that it shall read as follows:

1. The state school tax heretofore assessed and levied, the apportionment of state school moneys heretofore made and all contracts, bonds and obligations which have been heretofore entered into, made or incurred, all appropriations, taxes and assessments heretofore made, levied and imposed, and all other acts heretofore had, passed, done or taken for school purposes under or pursuant to the provisions of any law declared by the court to be unconstitutional, including any election for the adoption of any provision or article of any such law, are hereby validated and confirmed.

Validating certain proceedings pertaining to schools.

2. This act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 245.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand nine hundred and four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Treasurer
authorized to
pay certain
amounts.

I. It shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, that is to say:

Item No. 1. To each clergyman for opening sessions of the Senate and House of Assembly with prayer, during session one thousand nine hundred and four, ten dollars,

\$10 00

Item No. 2. To each officer of the Senate and House of Assembly of the session of one thousand nine hundred and three, who were present and rendered services in opening the session of one thousand nine hundred and four, ten dollars,

\$10 00

Item No. 3. To each clergyman for opening special sessions of the Senate and House of Assembly, held in April and October, one thousand nine hundred and three, ten dollars,

\$10 00

Item No. 4. To James T. Weart, for services as assistant to the clerk of the House of Assembly, session one thousand nine hundred and four, four hundred dollars,

\$400 00

Item No. 5. To James T. Weart, for services as clerk to committee on incidental expenses, session of one thousand nine hundred and four, one hundred dollars,

\$100 00

- Item No. 6. To Thomas S. Mooney, for services as assistant to the supervisor of bills for House of Assembly, session one thousand nine hundred and four, five hundred dollars, \$500 00
- Item No. 7. To William H. Bright, for services as assistant to journal clerk, House of Assembly, session one thousand nine hundred and four, five hundred dollars, \$500 00
- Item No. 8. To Spencer Powell, for services as keeper of the ladies' gallery of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 9. To William Peacock, for services as keeper of the ladies' gallery of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 10. To Charles Erving, for services as keeper of the ladies' gallery of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 11. To James I. McKelvey, for services as keeper of the ladies' gallery of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 12. To Charles L. Ogden, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 13. To John H. McCabe, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 14. To Charles H. Day, for services as keeper of gallery of House of As-

sembly, session one thousand nine hundred and four, three hundred and fifty dollars,	\$350 00
Item No. 15. To David N. Creamer, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars,	\$350 00
Item No. 16. To Robert McDaniels, for services as doorkeeper of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars,	\$350 00
Item No. 17. To William R. Thompson, for services as doorkeeper of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars,	\$350 00
Item No. 18. To Samuel Leonard, for services as doorkeeper of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars,	\$350 00
Item No. 19. To Richard A. Peltier, for services as doorkeeper of House of Assembly, session one thousand nine hundred and four, three hundred and fifty dollars,	\$350 00
Item No. 20. To Edward Kilpatrick, for services as clerk to corporation committee, session one thousand nine hundred and four, three hundred dollars,	\$300 00
Item No. 21. To Garfield Green, for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 22. To Addison Van Derveer, for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 23. To Edward W. Orr, for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00

Item No. 24. To Thomas Watson, for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 25. To Howard Jeffrey, Jr., for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 26. To Albert Bullock, for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 27. To Arthur Nungesser, for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 28. To Frank Radice, for services as page of House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 29. To Arthur Nungesser, for services as postmaster and extra services, House of Assembly, session one thousand nine hundred and four, two hundred dollars,	\$200 00
Item No. 30. To Frank Radice, for services as postmaster of the House of Assembly, session one thousand nine hundred and four, one hundred dollars,	\$100 00
Item No. 31. To Lee & Company, for stationery, House of Assembly, session of one thousand nine hundred and four, one thousand five hundred and seventy-nine and forty-nine one-hundredths dollars,	\$1,579 49
Item No. 32. To William H. Jamouneau, for stationery, House of Assembly, session of one thousand nine hundred and four, seven hundred and sixty-four and one one-hundredths dollars,	\$764 01
Item No. 33. To Baker Printing Company, for stationery, House of Assembly, session of one thousand nine hundred and	

LAWS, SESSION OF 1904.

priations and extra services to the Senate, for the session of one thousand nine hundred and four, five hundred dollars,

\$500 00

Item No. 50. To George C. Pridham, for services as clerk to Senate committee on banks and insurance, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

Item No. 51. To Charles V. Hance, for services as clerk to Senate committee on labor and industries, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

Item No. 52. To Charles D. Reese, for services as clerk to Senate committee on judiciary, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

Item No. 53. To Victor Carlson, for services as clerk to Senate committee on municipal corporations, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

Item No. 54. To Wilson D. Nixon, for services as clerk to Senate committee on boroughs and townships, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

Item No. 55. To William C. VanHorn, for services as clerk to Senate committee on revision of laws, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

Item No. 56. To Alfred L. Sayres, for services as clerk to Senate committee on railroads and canals, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

Item No. 57. To William B. Dill, for services as clerk to Senate committee on education, for the session of one thousand nine hundred and four, three hundred and fifty dollars,

\$350 00

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- Item No. 58. To William B. McKee, for services as clerk to Senate committee on corporations, for the session of one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 59. To Harry T. Hagaman, for services as clerk to Senate committee on game and fisheries, for the session of one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 60. To Thomas H. Howley, for services as gallery keeper in the Senate, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 61. To Stephen A. Dawson, for services as gallery keeper in the Senate, session one thousand nine hundred and four, three hundred and fifty dollars, \$350 00
- Item No. 62. To Forman Duncan, for services as page in the Senate, for the session of one thousand nine hundred and four, two hundred dollars, \$200 00
- Item No. 63. To Henry C. Owens, for services as page in the Senate, for the session of one thousand nine hundred and four, two hundred dollars, \$200 00
- Item No. 64. To John E. Rancier, for services as page in the Senate, for the session of one thousand nine hundred and four, two hundred dollars, \$200 00
- Item No. 65. To Wallace R. King, for services as assistant calendar clerk in the Senate, session of one thousand nine hundred and four, two hundred and fifty dollars, \$250 00
- Item No. 66. To the John L. Murphy Publishing Company, for stationery and supplies furnished the Senate for the session of one thousand nine hundred and four, one thousand six hundred and forty-nine and sixty-four one-hundredths dollars, \$1,649 64
- Item No. 67. To L. N. Clayton, for furnishing toilet supplies to D. Hart Cun-

ningham, sergeant-at-arms of the Senate, for the session of one thousand nine hundred and four, two hundred and forty-eight and thirty-five one-hundredths dollars,	\$248 35
Item No. 68. To T. F. Fitzgerald, for supplies furnished the Senate, session of one thousand nine hundred and four, thirty-two and sixty-four one-hundredths dollars,	\$32 64
Item No. 69. To MacCrellish & Quigley, for supplies furnished the Senate, for the session of one thousand nine hundred and four, eighty-nine dollars,	\$89 00
Item No. 70. To Remington Typewriter Company, for one number six Remington typewriter and one set of cushion keys furnished the Senate, session of one thousand nine hundred and four, ninety-one and twenty-five one-hundredths dollars,	\$91 25
Item No. 71. To Library Bureau, for supplies furnished the senate for the session of one thousand nine hundred and four, forty-nine and ninety-eight one-hundredths dollars,	\$49 48
Item No. 72. To Owen Kite, for services rendered to Committee on Appropriations, in preparation of annual and supplemental bills, etc., in the Senate, session of one thousand nine hundred and four, one hundred and fifty dollars,	\$150 00
Item No. 73. To Jacob Jones, for services as Clerk to the President of the Senate, session of one thousand nine hundred and four, three hundred and fifty dollars,	\$350 00
Item No. 74. To John Connell, for services rendered, session of one thousand nine hundred and four, one hundred dollars,	\$100 00
Item No. 75. To John C. Kemble, for services rendered, session of one thousand nine hundred and four, one hundred dollars,	\$100 00

Approved April 5, 1904.

CHAPTER 246.

A Supplement to an act entitled "An act making appropriations for the support of the state government and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred and four," approved April twentieth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

i. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the several purposes herein specified, and for supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and four:

Supplementary appropriations.

I.

OFFICE OF THE COMPTROLLER.

For additional allowance for blanks and stationery for use in the office of the comptroller, three hundred dollars;

Comptroller.

For additional allowance for postage, expressage and other incidental expenses for the comptroller's office, three hundred dollars.

2.

DEPARTMENT OF BANKING AND INSURANCE.

For additional allowance for compensation of building and loan association examiners, one thousand seven hundred and fifty dollars;

Banking and insurance.

LAWS, SESSION OF 1904.

For additional allowance for actual and necessary traveling and incidental personal expenses of building and loan association examiners, seven hundred dollars.

3.

GEOLOGICAL SURVEY.

Geological survey.

For salaries and expenses in surveying, drawing and publication of three atlas sheets in the vicinity of Boonton and Dover, two thousand five hundred dollars, or so much thereof as may be necessary.

4.

COUNTY LUNATIC ASYLUMS.

County asylums.

For additional allowance for support of county patients in the Burlington county lunatic asylum, five thousand dollars.

5.

ADVERTISING.

Advertising.

For additional allowance for advertising proclamations issued by the governor, notices of the attorney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regard to public printing, et cætera, two thousand dollars.

6.

PRINTING.

Printing.

For additional allowance for printing and binding public documents, eight thousand dollars;

For additional allowance for printing and circulation of the laws, one thousand dollars.

7.

COLLATERAL INHERITANCE TAX.

For additional allowance for surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, two thousand dollars.

Inheritance
tax.

8.

For the purpose of carrying into effect the provisions of "An act to provide for the payment of arrears in rent for the armory in Camden of the sixth regiment infantry, second brigade, national guard of the State of New Jersey, due at the time of disbanding said regiment," approved April seventh, one thousand nine hundred and three, three thousand dollars.

Arrears for
armory rent.

9.

STATE OYSTER COMMISSION.

To Ellis D. Thompson, for balance due for services as supervising engineer in connection with the survey of oyster grounds in Maurice river cove, to November fifteenth, one thousand nine hundred, three hundred and forty-three dollars and seventy-five cents.

Oyster com
mission.

10.

OFFICE OF THE TREASURER.

For additional allowance for compensation for clerical services in the office of the treasurer, four hundred and eight dollars and thirty-three cents;

Treasurer.

For additional allowance for blanks and stationery for use in the office of the treasurer, two hundred dollars.

LAWS, SESSION OF 1904.

II.

COURT OF CHANCERY.

Court of
chancery.

For allowance for additional vice chancellor, for salary, six thousand dollars;

For additional allowance for compensation of sergeants-at-arms, one hundred dollars;

For additional allowance for compensation of stenographers and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of nineteen hundred and two, two thousand eight hundred and eighty-two dollars and fifty cents;

For additional allowance for stationery for the court of chancery, three hundred and fifty dollars.

I2.

PENSIONS.

Pension.

For allowance to Randolph F. Disbrow, a pensioner of this state, as commutation for two hands lost at Yorktown, Virginia, October nineteenth, one thousand eight hundred and eighty-one, one hundred dollars.

I3.

STATE PRISON.

State prison.

For additional allowance for maintenance of convicts, fifteen thousand dollars;

For repairs to sewer, two thousand dollars.

I4.

STATE HOME FOR BOYS.

Jamesburg
school.

For additional allowance for the trustees of the New Jersey state home for boys, four thousand dollars;

For a new water supply for the institution at Jamesburg, sixteen thousand five hundred dollars; *provided*,
a practical scheme can be devised and completed for the
above named sum, plans to be approved by the governor
before awarding contract. Proviso.

15.

COURT EXPENSES.

For compensation of judges of the court of common
pleas, pursuant to section forty-nine, chapter one hun-
dred and forty-nine of the laws of one thousand nine
hundred, one thousand dollars. Courts.

16.

STATE HOSPITAL AT MORRIS PLAINS.

For additional allowance for support of indigent pa-
tients, at the rate of three dollars per week, and cost
of clothing, for the year one thousand nine hundred and
three, six thousand six hundred forty-eight dollars and
fifteen cents; Morristown
asylum.

For laundry building and machinery, eighteen thou-
sand dollars; for a nurses' dwelling, twenty thousand
dollars; for elevator, eight thousand dollars; *provided*,
no plans shall be adopted or contracts awarded for these
three objects, or either of them, without the approval
of the governor. Proviso.

17.

STATE HOSPITAL AT TRENTON.

For additional allowance for support of indigent pa-
tients, at the rate of three dollars per week, and cost
of clothing, for the year one thousand nine hundred
and three, one thousand four hundred fifty-nine dol-
lars and seventy-eight cents; Trenton
asylum.

LAWS, SESSION OF 1904.

For the construction and completion of fire escapes, twelve thousand five hundred dollars; plans and specifications to be approved by the governor.

18.

OFFICE OF THE SECRETARY OF STATE.

*Secretary
of state.*

For additional allowance for blanks and stationery for use in the office of the secretary of state, three thousand five hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the office of secretary of state, seven hundred dollars;

For cards and cabinets for indexing, letter-press, letter-file cabinets, et cætera, for the office of secretary of state, seven hundred dollars;

For two thousand five hundred copies of the corporation laws, one thousand two hundred and fifty dollars.

19.

OFFICE OF CLERK IN CHANCERY.

*Clerk in
chancery.*

For additional allowance for postage, expressage and other incidental expenses for the office of the clerk in chancery, two hundred and seventy-five dollars.

20.

ATTORNEY-GENERAL'S DEPARTMENT.

*Attorney-
general.*

For additional allowance for compensation and expenses of assistants employed by the attorney-general, one thousand dollars;

For compensation of associate counsel and expenses incurred in the case of state of New Jersey versus state of Delaware, now pending in the supreme court of the United States, ten thousand dollars, said sum to be paid upon approval of the governor and attorney-general;

For compensation and expenses of counsel employed in foreign states to enforce payment of the state's claim for taxes due by bankrupt corporations, one thousand dollars.

21.

STATE BOARD OF TAXATION.

For additional allowance for blanks and stationery for use in the office of the state board of taxation, one hundred and fifty dollars.

Board of taxation.

22.

STATE HOUSE COMMISSION.

For additional allowance for the governor, treasurer and comptroller for the care and safekeeping of the state capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, ten thousand dollars;

State house commission.

For electrical work, additional telephone service, painting corridors, stone pavement for grounds, extension to judges' conference-room of the supreme court and fire protection, six thousand eight hundred and ten dollars;

For vault fixtures in the offices of the secretary of state, adjutant-general and clerk of the supreme court, twelve thousand eight hundred and eighty-four dollars;

For installing steel stacks or shelves in the state library, pursuant to chapter one hundred and fifty-eight, laws of one thousand nine hundred and three, fifteen thousand dollars;

For painting and carpeting the assembly chamber and committee-rooms and gilding dome, eight thousand dollars;

For new furniture for the branch supreme court rooms, one thousand seven hundred and ninety-four dollars.

23.

NATIONAL GUARD.

National
guard.

For excavating and extraordinary repairs necessary for the armories at Paterson, Jersey City, Newark and Camden, twenty-three thousand two hundred and fifty-seven dollars;

For building jetties for the protection of the ocean front at the state camp grounds, Sea Girt, six thousand dollars;

For repairs to rifle pits at the state camp grounds, damaged by storm and action of the ocean, one thousand five hundred dollars;

For clerical services, postage, stationery and printing for officer detailed by the war department with the national guard, five hundred dollars;

For additional allowance for insuring regimental armories, buildings at the state camp grounds at Sea Girt, the state arsenal and all public military stores, two thousand dollars;

For medals for Spanish-American war veterans, two hundred and fifty dollars.

24.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant
general.

For annual dues to the Interstate National Guard Association for the years one thousand nine hundred and three and one thousand nine hundred and four, one hundred dollars.

25.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quarter-
master-
general.

For additional allowance for stenographer, for salary, sixty dollars.

26.

HOME FOR DISABLED SOLDIERS AT KEARNY.

For additional allowance for support of the New Jersey home for disabled soldiers at Kearny, and for the chaplain thereof, five thousand dollars;

Kearny home.

For the purchase of a burial plot, eleven thousand dollars, said purchase to be approved by the governor.

27.

STATE HOME FOR GIRLS.

For additional allowance for the trustees of the New Jersey state home for girls, for the support and necessary repairs to the home, two thousand dollars;

Girls' home.

For the purchase of two horses, four hundred dollars;

For insurance, five hundred and ten dollars;

For water-tank, repairs to the tower and rebuilding gas-house, four hundred and thirty-five dollars;

For addition to farm-house, five hundred dollars;

For painting buildings and tank tower, five hundred dollars;

For compensation for night watchman for cottage, four hundred and fifty dollars.

28.

HOME FOR FEEBLE-MINDED WOMEN AT VINELAND.

For the purchase of real estate, seven thousand dollars, said purchase to be approved by the governor;

Home for feeble-minded women.

For remodeling the several heating systems in the old and new buildings, one thousand five hundred dollars;

For general repairs to buildings and grounds, eight hundred dollars;

For a hot-water generator for the entire plant, four hundred and twenty-five dollars.

29.

STATE OYSTER COMMISSION FOR THE DISTRICT OF
OCEAN COUNTY.Ocean county
oyster com-
mission.

Proviso.

For additional allowance for incidental expenses, four hundred dollars; and for survey of oyster grounds, three thousand dollars; *provided*, all bills are approved by the governor.

30.

RIPARIAN COMMISSION.

Riparian
commission.

For the riparian commissioners for expenses incurred in repairing the monuments marking the boundary line between the state of New York and New Jersey, pursuant to chapter one hundred and seventy of the laws of one thousand eight hundred and ninety-one, one thousand dollars.

31.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR
COLORED YOUTH.Bordentown
school.

For fitting up four rooms in the new building to be used as dormitories for the boys, two thousand seven hundred dollars;

For providing beds, necessary wash-stands, bedding, et cætera, five hundred dollars;

To replace tools lost by fire, together with benches, one hundred and seventy-five dollars;

For blackboards and globes for new building, one hundred dollars;

For providing wash-rooms and other conveniences in the basement of the new building, and connecting same with the water supply and gas, eight hundred and fifty dollars.

32.

FARNUM PREPARATORY SCHOOL.

For repairs, improvements, furniture and apparatus for the Farnum preparatory school at Beverly, one thousand dollars.

Farnum
school.

33.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

For making six new rooms in old building, six hundred dollars;

Vineland
home.

For furniture and appliances for new building, and furnishing sixty-six bed-rooms complete, sitting-room, et cætera, five thousand dollars;

For insurance on new building and contents, three hundred dollars;

For one horse and repairs to carriage, two hundred dollars;

For maintenance of widows, as provided by chapter forty-three, laws of one thousand nine hundred and three, one thousand five hundred dollars;

For additional allowance for extra work on extension to the buildings of the home, two thousand five hundred dollars.

34.

AGRICULTURAL EXPERIMENT STATION.

For additional allowance for salaries and expenses of the agricultural experiment station, two thousand five hundred dollars.

Experiment
station.

35.

STATE BOARD OF HEALTH.

For services of the health officers of the port of Perth Amboy, pursuant to chapter sixty-nine of the laws of

Perth Amboy
port officers.

LAWS, SESSION OF 1904.

one thousand nine hundred, nine hundred thirty-five dollars and seventy-five cents.

36.

STATE BOARD OF ASSESSORS.

Assessors.

For additional allowance for compensation for clerical service in the office of the state board of assessors, one thousand five hundred dollars; *provided*, a bill pending, entitled "An act for the licensing and taxation of foreign corporations," becomes a law.

37.

STATE NORMAL SCHOOL.

Normal school.

For repairs and improvements to the building and grounds of the state normal school, four thousand dollars.

38.

FREE SCHOOL LIBRARIES.

School libraries.

For additional allowance for the formation of libraries in the free public schools of the state, three thousand six hundred dollars.

39.

INDUSTRIAL EDUCATION.

Manual training.

For additional allowance for payments to schools for manual training, fourteen thousand dollars.

40.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

State superintendent.

For additional allowance for stationery and blanks, four thousand dollars.

41.

COUNTY SUPERINTENDENTS.

For additional allowance for county superintendents of schools for salaries, three thousand two hundred and eight dollars and thirty-three cents; *provided*, such sum is authorized by enactment of the present legislature.

County super-intendents.

Proviso.

To Everett Colby, a member of the state board of education, one hundred and fifty dollars, for balance due him for expenses incurred pursuant to joint resolution number two, laws of one thousand nine hundred and two.

Need of new normal school.

42.

ATTORNEY-GENERAL'S DEPARTMENT.

For assistant attorney-general, for salary, two thousand nine hundred and sixteen dollars and sixty-six cents; *provided*, such sum is authorized by enactment of the present legislature.

Assistant attorney-general.

Proviso.

For additional allowance for compensation and expenses of assistants employed by the attorney-general, two thousand dollars; *provided*, a bill pending entitled "An act to amend an act entitled 'An act to define the duties and fix the salary of the attorney-general,' approved February twenty-fourth, one thousand eight hundred and fifty-four," becomes a law.

Proviso.

44.

OFFICE OF THE SECRETARY OF STATE.

For services and expenses for the purpose of carrying out the provisions of a bill pending entitled "An act respecting the recording of certificates and other papers

Records in office of secretary of state.

LAWS, SESSION OF 1904.

Proviso. relating to and affecting corporations," one thousand seven hundred and fifty dollars; *provided*, said bill becomes a law.

45.

COMMISSIONERS OF THE PALISADES INTERSTATE PARK.

Palisades park. For expenses incurred by the commissioners of the palisades interstate park, two thousand five hundred dollars; said expenses to be approved by the governor.

46.

Portraits. For the purchase of a portrait of the late chief justice Beasley, five hundred and fifty dollars; for the purchase of a portrait of the late ex-governor Ludlow, four hundred dollars; *provided*, such sums are authorized by enactment of the present legislature.

47.

NEW JERSEY REFORMATORY.

Rahway reformatory; expense and maintenance. For additional allowance for the subordinate officers and employes, for salaries, five thousand dollars;

For additional allowance for maintenance, seven thousand dollars;

For additional allowance for furniture, appliances and repairs (including industrial departments), two thousand five hundred dollars;

For additional allowance for the superintendent for payments to discharged inmates, one thousand dollars;

For live stock, implements, et cætera, two thousand five hundred dollars;

For fire insurance, two thousand dollars.

48.

STENOGRAPHIC REPORTERS.

Court stenographers. For additional allowance for amount to be refunded to the various counties in this state for salaries of steno-

graphic reporters appointed by the justices of the supreme court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, one thousand three hundred and fifty-two dollars and ninety cents.

49.

OFFICE OF THE COMPTROLLER.

For salaries and expenses of assistants employed in the comptroller's office, including the salary and expenses of a state auditor, if said office is created by the present legislature, one thousand seven hundred and fifty dollars.

State auditor.

50.

For the purpose of carrying out the provisions of "A further supplement to an act entitled 'An act for the purchase of grounds for the burial of dead bodies thrown upon the shores of this state by shipwreck,' approved April nineteenth, one thousand eight hundred and ninety-eight," approved March twenty-second, one thousand nine hundred and four, one thousand eight hundred dollars.

Burial of
shipwrecked
bodies.

51.

For the purpose of carrying out the provisions of "An act relative to the erection of a monument to the memory of General Enoch Poor, a soldier of the revolution," approved March seventh, one thousand nine hundred and four, five hundred dollars.

Monument
to General
Poor.

52.

SUPREME COURT.

For additional allowance for the judges of the circuit courts, for salaries, four thousand five hundred and ninety-six dollars and seventy-seven cents.

Supreme
court.

53.

FACTORIES AND WORKSHOPS.

Factories and
workshops.

For traveling expenses of seven deputies, from April first to September first, one thousand nine hundred and four, one thousand seven hundred dollars;

For traveling expenses of twelve deputies, from September first to November first, one thousand nine hundred and four, one thousand dollars;

For salaries of clerks, one thousand seven hundred dollars;

For postage, expressage and other expenses, one thousand five hundred dollars;

For salary of Miss Van Leer, from February first to November first, one thousand nine hundred and four, six hundred sixty-six dollars and sixty-six cents.

54.

LEGISLATURE.

Incidental
expenses of
legislature.

For additional allowance for incidental and contingent expenses of the present session of the legislature, sixteen thousand one hundred and seventy-five dollars; all bills to be approved by the committee on incidental expenses, and filed with the comptroller before final adjournment of the legislature.

55.

MORRIS CANAL COMMISSION.

Morris canal
commission.

For compensation of three commissioners, at two thousand five hundred dollars each, seven thousand five hundred dollars;

For compensation of secretary, three hundred dollars;

For compensation of attorney of commission, three hundred dollars;

For printing report of commission, typewriting, stationery, postage, et cetera, two hundred and ninety-six dollars and nineteen cents.

56.

For the purchase of portraits of Dr. John Whither-spoon, Francis Hopkinson, John Hart, Abraham Clark and Richard Stockton, citizens of the state of New Jersey, who were signers of the Declaration of Independence, one thousand two hundred and fifty dollars; *provided*, said sum is approved by the governor.

Portraits of
signers of
declaration of
independence.

Proviso.

57.

For the purpose of carrying into effect the provisions of joint resolution number three, providing for the purchase of portraits of the governor and ex-governors of this state, two thousand dollars; *provided*, said resolution becomes a law.

Governors'
portraits.

Proviso.

58.

STATE OYSTER COMMISSION.

For the purchase of riparian grants in Delaware bay made to Benjamin F. Lee, October fourth, one thousand eight hundred and seventy-nine, and to William W. Riley, April fourteenth, one thousand eight hundred and ninety-two, nine thousand dollars; *provided*, said sum is approved by the governor.

Purchase
riparian
grants.

Proviso.

59.

To W. Roland Warrick, clerk of Burlington county, for expenses in replacing corrected ballots for the special election on the amendments to the constitution, twenty dollars and twenty-one cents.

Corrected
ballots.

60.

To the city of Trenton, for sewer and pavement assessments on property belonging to the state in said

Trenton
sewers and
pavements.

city, eight thousand one hundred and thirty-eight dollars.

61.

FLOOD COMMISSION.

Flood commission.

For the payment of all claims and for all services rendered or to be rendered pursuant to a concurrent resolution providing for the appointment by the governor of five commissioners to examine into and report upon the best mode to eliminate the conditions which make the northern counties of this state especially susceptible to disastrous floods, passed at the legislative session of one thousand nine hundred and three, ten thousand dollars; all bills to be approved by the governor.

62.

VOTING MACHINES.

Voting machines.

For expenses incurred by the state board of voting machine commissioners, nine hundred forty-nine dollars and sixty-two cents; bills to be approved by the governor.

63.

VILLAGE FOR EPILEPTICS.

Epileptic village.

To R. W. Smith, for balance due on contracts of one thousand nine hundred and two, for building certain roads and furnishing and laying water-pipe, et cætera, one thousand five hundred thirty-three dollars and nine cents;

For additional allowance for maintenance, including fuel and light, three thousand five hundred dollars;

For the completion of the industrial building for men, seven thousand dollars;

For the construction and completion of children's building, forty-six thousand five hundred dollars;

For the construction and completion of a laundry, including fixtures and machinery, twelve thousand dollars;

For the construction and completion of a cottage for men, eighteen thousand dollars;

For the construction and completion of a cottage for women, eighteen thousand dollars; all plans, specifications and contracts for these five objects to be approved by the governor.

64.

NEW JERSEY REFORMATORY.

For the completion of the new domestic building, including masonry, carpentry, painting, plumbing, electric wiring and lighting, kitchen furniture and fixtures and general furniture, thirty-five thousand dollars; *provided*, said sum shall complete the building; all plans, specifications and contracts to be approved by the governor.

Rahway reformatory;
new building.

Proviso.

65.

BUREAU OF SHELL FISHERIES.

For additional allowance for blanks, stationery and other incidental expenses, five hundred dollars.

Shell fisheries.

66.

To Garfield Pancoast, for clerical assistance to oyster investigation commission appointed under joint resolution number one of the laws of one thousand nine hundred and two, one hundred and fifty dollars.

Clerk to
oyster com-
mission.

67.

LOUISIANA PURCHASE EXPOSITION.

For the purpose of carrying out the provisions of a bill pending entitled "An act appropriating the sum of

State repre-
sentation at
St. Louis ex-
position.

Proviso.

twenty-five thousand dollars for the use of the governor of the state of New Jersey, for the purpose of representing the state at the Louisiana purchase exposition, at St. Louis," twenty-five thousand dollars; *provided*, said bill becomes a law.

68.

STATE PRISON.

State prison.

Proviso.

For the purpose of carrying out the provisions of a bill pending entitled "An act to provide for the further enlargement and improvement of the state prison," two hundred and fifty thousand dollars; *provided*, said bill becomes a law.

69.

NEW NORMAL SCHOOL.

Site for
normal school.

To the state board of education, for the purchase of lands for the new normal school, twenty-five thousand dollars; said purchase to be approved by the governor.

70.

NORMAL SCHOOL.

Normal school
dormitory.

For enlarging and repairing normal school boarding-halls, forty thousand dollars; all plans, specifications and contracts to be approved by the governor.

71.

SANATORIUM FOR TUBERCULOUS DISEASES.

Sanatorium.

Proviso.

For the construction and completion of a sanatorium for tuberculous diseases, one hundred thousand dollars; *provided*, such sum is authorized by enactment of the present legislature; plans, specifications and contracts to be approved by the governor.

72.

For the purpose of carrying out the provisions of a bill pending entitled "An act appropriating the sum of seven thousand five hundred dollars for the relief of the widows and infant children, respectively, of John B. Marsh, Jacob S. Shibley and Hanson Hale, and authorizing the appointment of a commission to equitably apportion and divide the sum appropriated between the beneficiaries," seven thousand five hundred dollars; *provided*, said bill becomes a law.

Relief of certain families.

Proviso.

73.

TENEMENT HOUSE COMMISSION.

For expenses incurred by the tenement house commission, two thousand nine hundred eight dollars and twenty-four cents;

Tenement-house commission.

For rent of offices, seven hundred and fifty dollars; for furnishing office, five hundred dollars; for printing and stationery, seven hundred and fifty dollars; for clerical service and stenographer, seven hundred and fifty dollars; for architect's fees, seven hundred and fifty dollars; for ten inspectors, five hundred dollars each, five thousand dollars; for secretary and executive officer, for salaries, one thousand two hundred and fifty dollars, in all, nine thousand seven hundred and fifty dollars; *provided*, such payments are authorized by enactment of the present legislature.

Proviso.

74.

HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

For the erection of a monument at the home for disabled soldiers, sailors, marines and their wives, to commemorate the memory of the soldiers, sailors and marines of the late civil war, five hundred dollars.

Monument at Vineland.

Approval of
plans and
contracts by
governor.

2. Before any building or buildings shall be commenced for the cost of which money is appropriated by this act or by the appropriation act for the fiscal year ending October thirty-first, one thousand nine hundred and five, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case where it shall appear that the appropriation is insufficient to complete such building or buildings, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom.

Moneys
used as
specified.

3. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated in this act and in the act to which this act is a supplement, and except such sums which are by law devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, agricultural college fund and taxes for the use of taxing districts in this state, and loans to "state school fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year.

4. This act shall take effect immediately.

Approved April 5, 1904.

CHAPTER 247.

An Act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. The following sums, or so much thereof as may be necessary, be and they are appropriated out of the state fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and five, namely:

Annual appropriations.

I.

EXECUTIVE DEPARTMENT.

For the governor, for salary, ten thousand dollars;

Executive department.

For the private secretary of the governor, for salary, three thousand dollars;

For compensation for assistants in the executive department, two thousand five hundred and twenty dollars;

For blanks and stationery for the use of the executive department, four hundred dollars;

For postage, expressage and other incidental expenses for the executive department, twelve hundred dollars.

2.

OFFICE OF THE COMPTROLLER.

For the comptroller, for salary, six thousand dollars;

Comptroller.

For the first assistant in the comptroller's office, for salary, twenty-five hundred dollars;

For compensation for other clerical service in the comptroller's office, four thousand six hundred dollars;

For salaries and expenses of assistants employed in the comptroller's office, including the salary and expenses of a state auditor, if said office is created by the legislature, three thousand five hundred dollars;

For blanks and stationery for use in the office of the comptroller, six hundred dollars;

For postage, expressage and other incidental expenses for the comptroller's office, twelve hundred dollars.

3.

OFFICE OF THE TREASURER.

Treasurer.

For the treasurer, for salary, six thousand dollars;

For compensation for clerical services in the office of the treasurer, seven thousand eight hundred dollars;

For additional compensation for clerical services in the office of the treasurer, seven hundred dollars;

For blanks and stationery for use in the office of the treasurer, six hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For the secretary of state, for salary, six thousand dollars;

For the assistant secretary of state, for salary, three thousand dollars;

For compensation for all clerical services in the office of secretary of state, eleven thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of secretary of state, two thousand two hundred dollars;

For blanks and stationery for use in the office of the secretary of state, five thousand three hundred dollars;

For compiling and indexing the election laws, two hundred dollars;

For compiling card index for corporations and index of deeds and other records in the general vault of the office of secretary of state, two thousand four hundred dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

For the attorney-general, for salary, seven thousand dollars; Attorney-general.

For compensation and expenses of assistants employed by the attorney-general, five thousand five hundred dollars;

For additional allowance for compensation and expenses of assistants employed by the attorney-general, one thousand seven hundred dollars;

For blanks and stationery for use in the office of the attorney-general, three hundred dollars;

For postage, expressage and other incidental expenses for the attorney-general's department, seven hundred and fifty dollars.

6.

STATE BOARD OF ASSESSORS.

For the members of the state board of assessors, for salaries, ten thousand dollars; Assessors.

For secretary of the state board of assessors, for salary, two thousand five hundred dollars;

For compensation for clerical service in the office of the state board of assessors, six thousand dollars;

For additional allowance for compensation for clerical service in the office of the state board of assessors, one thousand five hundred dollars; *provided*, a bill pending entitled "An act for the licensing and taxation of foreign corporations" becomes a law;

For blanks and stationery for use in the office of the state board of assessors, nine hundred dollars;

For postage, expressage and other incidental expenses for the state board of assessors, seven hundred and fifty dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, five thousand dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the commissioner of banking and insurance, for salary, six thousand dollars;

For the deputy commissioner of banking and insurance, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of banking and insurance, eight thousand dollars;

For blanks and stationery for use in the department of banking and insurance, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the department of banking and insurance, one thousand five hundred dollars;

For compensation of building and loan association examiners, fifteen thousand three hundred dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, six thousand five hundred dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, two thousand five hundred dollars.

8.

STATE BOARD OF TAXATION.

Board of taxation.

For the members of the state board of taxation, for salaries, including expenses, eleven thousand two hundred dollars;

For the secretary of the state board of taxation, for salary, including expenses, two thousand five hundred dollars;

For clerical assistants in the office of the state board of taxation, eight hundred and thirty dollars;

For blanks and stationery for use in the office of the state board of taxation, two hundred dollars;

For postage, expressage and other incidental expenses for the office of state board of taxation, five hundred dollars.

9.

STATE LIBRARY.

For the librarian, for salary, two thousand dollars;

State library.

For compensation for assistants in the state library, two thousand one hundred dollars:

For the repair, preservation and purchase of useful books for the state library, three thousand five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the state library, six hundred dollars.

10.

STATE BOARD OF HEALTH.

For the state board of health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, one thousand two hundred dollars;

Board of health.

For compensation of assistants in the office of the state board of health, pursuant to said chapter, seven thousand three hundred and forty dollars;

For compensation to the secretary of said board, pursuant to said chapter, two thousand five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, one thousand dollars;

For blanks and stationery for use in the office of state board of health, one thousand four hundred dollars;

For maintenance of the bacteriological laboratory, four thousand dollars;

For legal expenses incurred by the state board of health, two thousand dollars;

For postage required in sending to the physicians of this state the annual report of the state board of health and of the bureau of vital statistics, three hundred dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and one, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter eighty-four of the laws of one thousand eight hundred and eighty-six, fourteen thousand eight hundred and eighty dollars.

II.

BUREAU OF STATISTICS.

Statistics.

For the chief of the bureau of statistics, for salary, two thousand five hundred dollars;

For the deputy chief of the bureau of statistics, for salary, two thousand dollars;

For the current expenses of the bureau of statistics, seven thousand dollars;

For blanks and stationery for use in the office of the bureau of statistics, four hundred dollars.

12.

STATE HOUSE COMMISSION.

State house.

For the governor, treasurer and comptroller, for the care and safe-keeping of the state capitol, the property therein and adjacent public grounds, and for expenses

to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, fifty-six thousand dollars;

13.

STATE MUSEUM.

For curator, for salary, one thousand five hundred Museum. dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, one thousand dollars.

14.

GEOLOGICAL SURVEY.

For salaries and expenses of department of geological survey and for the completion of the geological survey of this state, and for the continuance of forestry investigation, eight thousand dollars; Geological survey.

For expenses in connection with the publication of the reports and maps of the geological survey, five thousand dollars.

15.

SUPREME COURT.

For the chief justice and associate justices of the supreme court, for salaries, eighty-two thousand dollars; Supreme court.

For the judges of the circuit courts, for salaries, thirty thousand dollars;

For compensation of sergeants-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the supreme court pursuant to chapter one hundred and forty-nine of the laws of one thousand nine hundred, two thousand five hundred dollars.

For blanks and stationery for use of the chief justice and associate justices of the supreme court, two hundred dollars.

16.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of
supreme
court.

For the clerk of the supreme court, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk of the supreme court, sixteen thousand dollars;

For blanks and stationery for use in the office of the clerk of the supreme court, one thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the supreme court, one thousand three hundred dollars.

17.

COURT OF CHANCERY.

Court of
chancery.

For the chancellor, for salary, ten thousand dollars;

For the vice chancellors, for salaries, sixty-three thousand dollars;

For compensation of sergeants-at-arms, four thousand two hundred dollars;

For compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, fourteen thousand seven hundred dollars;

For compensation and allowance of advisory masters, two thousand five hundred dollars;

For rent of rooms in Camden, Jersey City, Newark and Paterson, for the use of chancellor, vice chancellors and advisory masters, nine thousand dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars;

For compensation of stenographer for the chancellor, six hundred dollars;

For allowance for stationery for the court of chancery, five hundred dollars.

18.

OFFICE OF CLERK IN CHANCERY.

For the clerk in chancery, for salary, six thousand dollars; Clerk in chancery.

For compensation for clerical service in the office of the clerk in chancery, twenty-four thousand five hundred dollars;

For blanks and stationery for use in the office of the clerk in chancery, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the office of the clerk in chancery, one thousand nine hundred and fifty dollars.

19.

COURT OF ERRORS AND APPEALS.

For compensation of judges of the court of errors and appeals, twelve thousand dollars; Court of errors and appeals.

For compensation of officers of the court of errors and appeals, five hundred and twenty-five dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, one thousand dollars.

20.

COURT OF PARDONS.

For compensation for judges of court of pardons, three thousand two hundred and fifty dollars; Court of pardons.

For compensation of subordinate officers, three hundred dollars.

21.

LAW AND EQUITY REPORTS.

- Legal reports.** For the publication of the chancery reports, five thousand three hundred dollars;
For the publication of the law reports, five thousand two hundred dollars;
For salary of chancery reporter, five hundred dollars;
For salary of supreme court reporter, five hundred dollars;
For binding chancery and law reports, one thousand two hundred dollars.

22.

NATIONAL GUARD.

- National guard.** For expenses for division, brigade and regimental headquarters, four thousand dollars;
For allowances for two batteries of artillery at seven hundred and fifty dollars each, one thousand five hundred dollars;
For allowances for two troops of cavalry, at two thousand dollars each, including rent of armory, four thousand dollars;
For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;
For allowance for one signal and telegraph corps, one thousand dollars;
For transportation for battalion drills, inspections, parades, and for pay and expenses of inspecting officers, five thousand dollars;
For compensation of officers and employes, and expenses incurred in connection with rifle practice, fourteen thousand five hundred dollars;
For pay of officers and enlisted men and expenses in connection with the annual encampment, thirty-three thousand dollars;
For compensation of the superintendent and employes, and for forage, fuel and maintenance of the state camp grounds, ten thousand dollars;

For fuel, light and maintenance of the state arsenal, one thousand five hundred dollars;

For expenses of military boards and courts-martial, one thousand dollars;

For transportation of disabled soldiers of the late rebellion and the Spanish-American war, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark and Paterson, at four thousand five hundred dollars each, eighteen thousand dollars;

For maintaining, heating and lighting the armory at Trenton, four thousand five hundred dollars; *provided*, said armory is completed within this fiscal year;

Proviso.

For pay and expenses of officer detailed from the United States army for military instruction to officers and enlisted men of the national guard, six hundred dollars;

For insuring regimental armories, buildings at the state camp grounds at Sea Girt, the state arsenal and all public military stores, two thousand dollars;

For ordnance stores, uniforms, clothing, camp and garrison equipage, freight and expressage and miscellaneous supplies, eight thousand dollars;

For clerical services, postage, stationery and printing for officer detailed by the war department with the national guard, eight hundred dollars.

NAVAL RESERVE.

First battalion, in lieu of company allowances, one thousand five hundred dollars; Naval reserve.

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, six thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, two thousand four hundred dollars;

Second battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, four thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, one thousand eight hundred dollars.

23.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For the adjutant-general, for salary, two thousand five hundred dollars;

For compensation for clerical service in the adjutant-general's office, five thousand five hundred and sixty dollars;

For blanks and stationery for use in the adjutant-general's office, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the adjutant-general's office, seven hundred dollars;

For clerical service, compiling data for the roster of officers and enlisted men of New Jersey in revolutionary and other wars, at Washington, District of Columbia, or elsewhere, one thousand two hundred dollars;

For annual dues to Interstate National Guard Association, for the year one thousand nine hundred and five, fifty dollars;

For compensation for extra clerical service in the adjutant-general's office, for the year one thousand nine hundred and five, compiling roster of New Jersey troops in colonial, revolutionary and other wars, two thousand four hundred and sixty dollars.

24.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-general.

For the quartermaster-general, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of the quartermaster-general, namely:

For chief clerk, for salary, two thousand one hundred dollars;

For clerk, for salary, one thousand five hundred dollars;

For stenographer, for salary, four hundred and eighty dollars;

For additional allowance for stenographer, for salary, one hundred and twenty dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to the persons having in charge accoutrements, et cætera, cleaning arms, et cætera, teamster and laborer, for salaries, four thousand five hundred and one dollars;

For blanks and stationery for use in the quartermaster-general's department, five hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, four hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

Freehold
monument.

26.

TRENTON BATTLE MONUMENT.

For the Trenton battle monument association, for the purpose of keeping said property in good condition and repair, five hundred dollars.

Trenton
monument.

27.

PENSIONS.

For amount required to pay pensions, pursuant to various acts relative thereto, four thousand six hundred and eighty-four dollars.

Pensions.

28.

HOME FOR DISABLED SOLDIERS AT KEARNY.

Kearny
home.

For support of the New Jersey home for disabled soldiers at Kearny, and for the chaplain thereof, thirty-two thousand five hundred dollars.

29.

SOLDIERS' STATE PAY.

War claims.

For claims of volunteers in the civil war, for state pay pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Morristown
headquarters.

For trustees of the Washington association of New Jersey, twenty-five hundred dollars.

31.

STATE BOARD OF AGRICULTURE.

Board of
agriculture.

For the state board of agriculture, six thousand dollars;

For the state board of agriculture, for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of state entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, three thousand dollars.

32.

TUBERCULOSIS COMMISSION.

For expenses and payments by the state tuberculosis commission, fifteen thousand five hundred dollars. Tuberculosis.

33.

AGRICULTURAL EXPERIMENT STATION.

For salaries and expenses of the agricultural experiment station, twenty thousand dollars; Experiment station.

For printing bulletins of the agricultural experiment station, one thousand five hundred dollars;

For expenses incurred by the New Jersey agricultural experiment station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

For the board of visitors to the agricultural college of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars; Visitors to agricultural college.

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

35.

STATE HOSPITALS.

For traveling expenses of managers, six hundred dollars; Asylums.

LAWS, SESSION OF 1904.

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

36.

STATE HOSPITAL AT TRENTON.

Trenton
asylum.

For maintenance of county patients, at the rate of two dollars per week, one hundred thousand dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, twelve thousand dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, thirty-five thousand dollars;

For salaries of officers, twelve thousand dollars;

For appraisement of personal property, seventy-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morristown
asylum.

For maintenance of county patients, at the rate of two dollars per week, one hundred and twenty-five thousand four hundred and twenty-four dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, nineteen thousand five hundred dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, sixty-two thousand four hundred dollars;

For salaries of officers, fourteen thousand five hundred and fifty dollars;

For appraisement of personal property, seventy-five dollars.

38.

COUNTY LUNATIC ASYLUMS.

For the support of county patients in the Essex county lunatic asylum, ninety-seven thousand dollars;

In the Hudson county lunatic asylum, sixty thousand dollars;

In the Camden county lunatic asylum, twenty thousand dollars;

In the Burlington county lunatic asylum, fifteen thousand dollars;

In the Passaic county lunatic asylum, four thousand five hundred dollars;

In the Gloucester county lunatic asylum, one thousand four hundred dollars;

In the Cumberland county lunatic asylum, thirteen thousand dollars;

In the Salem county lunatic asylum, two thousand two hundred dollars;

In the Atlantic county lunatic asylum, seven thousand dollars.

County asylums.

39.

STATE PRISON.

For maintenance of convicts, one hundred and five thousand dollars; State prison.

For furniture, appliances and repairs of state prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the deputy keepers and employes, for salaries, ninety-two thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, two thousand dollars;

For teacher and moral instructor to the convicts in the state prison, pursuant to section seven, chapter one hun-

LAWS, SESSION OF 1904.

dred and fifty-five of the laws of one thousand eight hundred and seventy-six, for salary, one thousand dollars.

40.

STATE HOME FOR BOYS.

Boys' home
at Jamesburg.

For the trustees of the New Jersey state home for boys, sixty-nine thousand dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, five hundred dollars.

41.

STATE HOME FOR GIRLS.

Girls' home
at Trenton.

For the trustees of the New Jersey state home for girls, for the support and necessary repairs to the home, twenty-five thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, three hundred dollars.

42.

STATE BOARD OF ARBITRATION.

Arbitration.

For the members of the board of arbitration, for salary, six thousand dollars;

For the secretary of the state board of arbitration, for salary, two hundred dollars;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, fifty dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and
game.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For the purpose of stocking the waters of the state with food fishes and for defraying the cost of maintaining a hatchery and for the protection and propagation of birds and game animals within this state, five thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars;

For printing game laws, license blanks, et cætera, seven hundred and fifty dollars.

44.

BLIND AND FEEBLE-MINDED.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, eleven thousand three hundred dollars;

Blind and
feeble-
minded.

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, sixty thousand five hundred dollars;

For maintenance, support and instruction of feeble-minded women, thirty thousand dollars.

45.

FACTORIES AND WORKSHOPS.

For the commissioner, for salary, two thousand five hundred dollars; Factories.

For the assistant commissioner, for salary, one thousand five hundred dollars;

For eleven deputies, for salaries, eleven thousand dollars;

For department clerks, for services, two thousand four hundred dollars;

For printing, postage, expressage, et cætera, five hundred dollars;

For expenses of deputies, et cætera, six thousand dollars.

46.

STATE CHARITIES AID ASSOCIATION.

Charities. For expenses of the association, six hundred dollars.

47.

STATE HORTICULTURAL SOCIETY.

Horticultural society. To the treasurer of the New Jersey state horticultural society, the sum of four hundred dollars.

48.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

Ocean county oyster commission. For the commissioners, for salaries, seven hundred and fifty dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand dollars;

For incidental expenses, six hundred dollars; *provided*, all bills are approved by the governor;

For office rent, fifty dollars.

49.

ADVERTISING.

Advertising. For advertising proclamations issued by the governor, notices of the attorney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regard to public printing, et cætera, five thousand dollars.

50.

PRINTING.

For printing and binding public documents, thirty-five thousand dollars; Printing.

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, seven thousand five hundred dollars.

51.

PUBLIC ROADS.

For public roads, two hundred and seventy-five thousand dollars; Roads.

For the state commissioner of public roads, for salary, two thousand five hundred dollars;

For compensation of supervisor for assisting the state commissioner of public roads in supervising, construction, and performing such other duties as necessity may require, one thousand five hundred dollars;

For traveling expenses of supervisor, five hundred dollars;

For expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, two thousand dollars.

52.

OYSTER COMMISSION.

To promote the propagation and growth of seed oysters, and to protect the natural oyster-seed grounds of this state, ten thousand dollars; Oyster commission.

For the preservation of clams, two thousand dollars.

NEW JERSEY OYSTER AND SHELL COMMISSION.

Shell commission.

For the purpose of carrying into effect the provisions of chapter one hundred and eighty-five of the laws of one thousand nine hundred, three hundred dollars;

For the director of the biological department of the New Jersey Agricultural college experiment station, at New Brunswick, to establish and maintain one or more stations for the scientific investigation of oyster propagation, three hundred dollars. .

53.

LEGISLATURE.

Legislature.

For compensation of senators and members of the general assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the legislature of New Jersey, two thousand dollars;

For indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly, and other incidental and contingent expenses of the legislature, six thousand seven hundred dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the state house commission, seven hundred dollars.

54.

COLLATERAL INHERITANCE TAX.

Inheritance tax.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chap-

ter two hundred and ten of the laws of one thousand eight hundred and ninety-four, ten thousand dollars.

55.

INSURANCE.

For insurance upon state house and contents thereof, Insurance.
four thousand dollars.

56.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

For taxes improperly levied upon corporations and to Refund taxes.
be refunded, pursuant to law, five hundred dollars.

57.

WEATHER SERVICE.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars.

Weather reports.

58.

BODIES THROWN UPON SHORES OF THE STATE BY
SHIPWRECK.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

Shipwrecked bodies.

59.

ELECTORAL COLLEGE AND STATE BOARD OF CANVASSERS.

For per diem allowance of ten dollars to each member of the electoral college and board of state canvassers,

Electoral college.

and incidental expenses connected therewith, five hundred dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural college.

To the treasurer of Rutgers College, for interest on one hundred and sixteen thousand dollars, certificates of indebtedness of the state of New Jersey due January first and July first, one thousand nine hundred and five, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, five thousand eight hundred dollars.

61.

RIPARIAN COMMISSION.

Riparian commission.

For salaries of riparian commissioners, six thousand dollars;

For salaries and expenses incurred in the prosecution of the work of the commissioners, six thousand five hundred dollars.

62.

OBSTRUCTIONS TO NAVIGATION.

Removing sunken vessels.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this state, three hundred dollars.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For maintenance of the manual training and industrial school for colored youth, six thousand dollars.

64.

NEW JERSEY SCHOOL FOR THE DEAF.

For the New Jersey school for the deaf for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-five thousand dollars.

Deaf-mute
school.

65.

STATE NORMAL SCHOOL.

For the support of the state normal school, fifty thousand dollars;

Normal
school.

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars.

66.

FREE SCHOOL LIBRARIES.

For the formation of libraries in the free public schools of the state, seven thousand dollars.

School
libraries.

67.

FARNUM PREPARATORY SCHOOL.

For the support of the Farnum preparatory school at Beverly, one thousand two hundred dollars.

Farnum
school.

68.

INDUSTRIAL EDUCATION.

Manual
training.

For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, fifteen thousand dollars;

For payments to schools for manual training, forty-five thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Educational
department.

For salary of state superintendent of public instruction, five thousand dollars;

For salary of assistant superintendent and for clerical services in the office of state superintendent of public instruction, eight thousand five hundred dollars;

For stationery and blanks, three thousand five hundred dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, two thousand five hundred dollars.

70.

SCHOOL FUND EXPENSES.

School fund.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, three thousand five hundred dollars.

71.

STATE BOARD OF EDUCATION.

For necessary expenses of the state board of education, two thousand five hundred dollars;

Board of education.

For procuring plans for school-houses, five hundred dollars;

For supervising plans of new school-houses by state board of education, one thousand dollars.

72.

TEACHERS' INSTITUTE AND HIGH SCHOOL INSPECTION.

For expenses of teachers' institutes and high school inspection, four thousand dollars.

Institutes.

73.

TEACHERS' LIBRARIES.

For the establishment and maintenance of libraries for use of teachers, six hundred dollars.

Teachers' libraries.

74.

COUNTY SUPERINTENDENTS.

For county superintendents of schools for salaries, thirty-six thousand five hundred dollars;

County superintendents.

For additional allowance for county superintendents of schools for salaries, five thousand five hundred dollars; *provided*, such sum is authorized by enactment of the present legislature.

Proviso.

75.

EMERGENCY.

Emergencies. For the governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of fifteen thousand dollars, said sum, or any part thereof, to be paid by the treasurer on the warrant of the comptroller upon accounts approved by the governor.

76.

STATE BOARD OF EXAMINERS.

Examinations. For expenses incurred by the state board of examiners and compensation for the person appointed by the state board of education, two hundred and fifty dollars.

77.

STATE SEWERAGE COMMISSION.

Sewerage commission. For salaries of commissioners, seven thousand five hundred dollars;

For salary of secretary, seven hundred and fifty dollars;

Proviso. For rent and necessary expenses of the commissioners, two thousand dollars; for experimental work, two thousand dollars; *provided*, said expenses are approved by the governor.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS,
MARINES AND THEIR WIVES.

Vineland home.

For salaries and expenses, fourteen thousand dollars;

For salary of commandant, one thousand five hundred dollars;

For salary of adjutant, seven hundred and fifty dollars.

79.

STATE OYSTER COMMISSION.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the state of New Jersey, fifteen thousand dollars;

Oyster commission.

For the protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, north of "southwest line," in the state of New Jersey, two thousand dollars;

For expense of surveying and mapping lands to be leased for oyster culture under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the state of New Jersey, three hundred dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

To the state board of children's guardians, for expenses, six thousand dollars.

Children's
guardians.

81.

PUBLIC LIBRARY COMMISSION.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of one thousand nine hundred, one thousand dollars;

Library
commission.

For clerical assistance, necessary traveling and other incidental expenses incurred by the commission, one thousand five hundred dollars;

STATE TRAVELING LIBRARIES.

Traveling
libraries.

For the public library commission, pursuant to chapter one hundred and seventy-five, laws of one thousand eight hundred and ninety-eight, and chapter twenty-three, laws of one thousand nine hundred and four, five hundred dollars.

82.

TRENTON ARMORY.

Trenton
armory.

For the purpose of erecting and equipping an armory in the city of Trenton, fifty thousand dollars.

83.

NEW JERSEY REFORMATORY.

Rahway re-
formatory.

For traveling and other official expenses of commissioners, one thousand dollars;

For the superintendent, for salary, three thousand dollars;

For the subordinate officers and employes, for salaries, thirty-eight thousand dollars;

For maintenance, thirty-five thousand dollars;

For furniture, appliances and repairs (including industrial departments), fifteen thousand dollars;

For the superintendent, for payments to discharged inmates, two thousand dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic
village.

For the superintendent, for salary, two thousand five hundred dollars;

For the steward, for salary, one thousand dollars;

For the assistant physician, for salary, eight hundred dollars;

For maintenance, including fuel and light, thirty-two thousand dollars;

For furnishing and supplying water to the buildings for men, the industrial building, the building for children, laundry, and building for women, including engineer's fees, five thousand dollars.

85.

STATE AGRICULTURAL COLLEGE.

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the state agricultural college," approved March seventeenth, one thousand nine hundred and two, two thousand five hundred dollars.

Ceramics.

86.

PRESERVATION OF RECORDS.

For the purpose of publishing and completing the early records of this state, known as "New Jersey Archives," three thousand five hundred dollars.

Archives.

87.

STENOGRAPHIC REPORTERS.

For amount to be refunded to the various counties in this state for salaries of stenographic reporters appointed by the justices of the supreme court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, nine thousand one hundred and eighteen dollars and thirty-three cents.

Amount
refunded
counties for
stenographers.

88.

STATE SCHOOL TAX.

School tax.

For the purpose of reducing the state school tax to be assessed for the year one thousand nine hundred and four, a sum equal to thirty-five per centum of the entire amount to be so raised is hereby appropriated, approximating one million dollars.

89.

BUREAU OF SHELL FISHERIES.

Shell fisheries.

For the chief of the bureau, for salary, one thousand two hundred dollars;

For blanks, stationery and other incidental expenses, one thousand dollars.

90.

FOREST FIRES.

Forest fires.

For the purpose of carrying into effect the provisions of "An act concerning forest fires and the prevention thereof," approved April third, one thousand nine hundred and two, five hundred dollars.

91.

ATTORNEY-GENERAL'S DEPARTMENT.

Assistant attorney-general; proviso.

For the assistant attorney-general, for salary, five thousand dollars; *provided*, such sum is authorized by enactment of the present legislature;

Proviso.

For additional allowance for compensation and expenses of assistants employed by the attorney-general, two thousand five hundred dollars; *provided*, a bill pending entitled "An act to amend an act entitled 'An act to define the duties and fix the salary of the attorney-general,' approved February twenty-fourth, one thousand eight hundred and fifty-four," becomes a law.

92.

OFFICE OF THE SECRETARY OF STATE.

For services and expenses for the purpose of carrying out the provisions of a bill pending entitled "An act respecting the recording of certificates and other papers relating to and affecting corporations," one thousand seven hundred and fifty dollars; *provided*, said bill becomes a law.

Corporation records.

Proviso.

93.

To John Hood, for the purpose of carrying out the provisions of "An act to provide for the compilation and publication of an index of all the laws of this state," approved April twenty-second, one thousand nine hundred and two, eight thousand dollars.

Hood's index.

94.

NATIONAL GUARD.

For annual allowance for commissioned officers of the national guard, mounted and foot, to assist them in uniforming and equipping themselves, five thousand dollars, payments to be made upon the approval of the governor.

Officers' equipment..

95.

For the purpose of carrying out the provisions of an act entitled, "An act to fittingly commemorate the memory and services of the soldiers of the Ninth regiment, New Jersey volunteer infantry, who are buried in the national cemetery at Newbern, North Carolina, and appropriating the sum of five thousand dollars for the erection and expenses of the dedication of a suitable monument with which to mark their final resting places," approved March twenty-second, one thousand nine hundred and four, five thousand dollars.

Ninth regiment monument.

96.

REVOLUTIONARY MONUMENTS, UNION COUNTY.

Revolutionary monuments.

For the erection of monuments or markers at points of interest on revolutionary battle-grounds of Elizabeth-town, Connecticut Farms and Springfield, five thousand dollars; *provided*, such sum is authorized by enactment of the present legislature.

Proviso.

97.

SANATORIUM FOR TUBERCULOUS DISEASES.

Sanatorium.

For the construction and completion of a sanatorium for tuberculous diseases, one hundred thousand dollars; *provided*, such sum is authorized by legislative enactment, plans, specifications and contracts to be approved by the governor.

Proviso.

98.

TENEMENT-HOUSE COMMISSION.

Tenement-house commission.

For rent of offices, one thousand five hundred dollars; for furnishing office, one thousand dollars; for printing and stationery, one thousand five hundred dollars; for clerical service and stenographer, one thousand five hundred dollars; for architect's fees, one thousand five hundred dollars; for ten inspectors, one thousand dollars each, ten thousand dollars; for secretary and executive officer, for salaries, two thousand five hundred dollars; in all, nineteen thousand five hundred dollars; *provided*, such payments are authorized by legislative enactment.

Proviso.

99.

VOTING MACHINES.

Voting machines.

For the state board of voting machine commissioners, one hundred thousand dollars, pursuant to "An act

authorizing the state board of voting machine commissioners to purchase voting machines for use at elections to be held in this state, and providing for the location, use and care of such machines," being chapter one hundred and seventy-one of the laws of one thousand nine hundred and three.

100.

PRINCETON BATTLE MONUMENT.

For the purpose of erecting a monument or statue in commemoration of the battle of Princeton, pursuant to "An act relative to the Princeton battle monument," approved April third, one thousand nine hundred and two, fifteen thousand dollars.

Princeton
monument.

101.

There is hereby appropriated from the appropriation of one thousand nine hundred and four, for the Louisiana purchase exposition, the sum, if any, that may lapse at the close of the fiscal year ending October thirty-first, one thousand nine hundred and four.

St. Louis
exposition.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and five.

Appropri-
ation from
school fund.

FREE PUBLIC SCHOOLS.

For the support of free public schools, two hundred thousand dollars;

Public
schools.

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Bonds.

3. Before any building or buildings shall be commenced for the cost of which money is appropriated by this act, the plans, specifications and contracts necessary

Approval of
plans and
contracts by
governor.

for the entire completion thereof shall, and each of them shall, be submitted to and approved by the governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case where it shall appear that the appropriation is insufficient to complete such building or buildings, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom.

Moneys
used as
specified.

4. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, agricultural college fund and taxes for the use of taxing districts in this state, and loans to "state school fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year.

Effective.

5. This act shall take effect on the first day of November, one thousand nine hundred and four.

Approved April 5, 1904, except the item of two hundred and seventy-five thousand dollars for public roads, to which item I object. I think the sum heretofore appropriated all the state should expend for this purpose. My objection to this item need work no hardship as the next legislature can appropriate in the supplemental bill such sum as they deem wise.

FRANKLIN MURPHY,
Governor.

CHAPTER 248.

An Act to amend an act entitled "An act to incorporate the borough of Prospect Park," approved March thirteenth, one thousand nine hundred and one.

WHEREAS, The boundary lines set forth in the act to which this is an amendment are inaccurate and uncertain and it is desired to have a better description of the same; now, therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of said act is hereby amended so as to read as follows:

2. Beginning at the intersection of Short street with the Passaic river and from thence running (1) along Short street to East Main street; thence (2) from East Main street along the southwesterly side of the property formerly of Alfred Van Hovenberg and its continuation to the center line of Hopper street; thence (3) southwesterly along the same to the center line of Haledon avenue; thence (4) northwesterly along the same to the intersection of the northwesterly line of land of Joseph R. Graham with said Haledon avenue; thence (5) in a northeasterly direction along the several courses of said Graham's line to the southwesterly line of property of Garret Planten; thence (6) northwesterly along the same to line of lands of the Cook estate; thence (7) northeasterly along the same and its continuation to the line of property of Carl Dietrich and the southerly boundary line of the borough of North Haledon; thence (8) in an easterly direction to where it intersects with the boundary line of the borough of Hawthorne; thence (9) in a southerly direction along said line and following its various courses to the Passaic river; thence (10) southerly along said Passaic river to the place of beginning.

2. This act shall take effect immediately.

Approved March 29, 1904.

Preamble.

Section amended.

Boundaries.

CHAPTER 249.

An Act to amend an act entitled "A supplement to an act entitled 'An act to authorize the incorporation of rural cemetery associations, and to regulate cemeteries' [Revision], approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March twenty-fifth, one thousand eight hundred and eighty-five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section amended.

As to authority in enlarging or locating cemeteries.

i. Section six of the act to which this is amendatory be and the same is hereby amended to read as follows:
6. It shall not be lawful to locate any new cemetery or burying-ground, or to enlarge any cemetery or burying-ground in this state without the consent and approval of the governing board or body and board of health of the city, town, township, borough or other municipality in which it is proposed to locate or enlarge such cemetery or burying-ground, upon application in writing for that purpose made; and in case of the refusal of said municipal boards to grant such application, then the person or persons or corporation making such application as aforesaid may apply to the board of chosen freeholders of the county in which it is proposed to locate or enlarge such cemetery or burying-ground, and such board of chosen freeholders shall have power and be authorized to reverse the refusal of such municipal boards and grant such application; and in case such governing board or body and board of health of any city, town, township, borough or other municipality shall grant any application for the location or enlarging of any cemetery or burying-ground to be located or enlarged within such municipality, and such location or enlarging shall be deemed

objectionable by the inhabitants of such municipality, then and in such case, ten resident freeholders of said municipality may apply to the board of chosen freeholders of the county in which such cemetery is proposed to be located or enlarged, and such board of chosen freeholders shall have power and authority to reverse and declare null and void the decision of said municipal boards and thereby prohibit the location or enlargement of such cemetery in such municipality; all persons or corporations making any application provided for in this section for the location or enlargement of any cemetery shall accompany the same with a descriptive map of the land and premises proposed to be used and occupied for such cemetery or the enlargement thereof, a copy of which map shall be filed in the office of the clerk of the county wherein such cemetery is proposed to be located or enlarged; *provided*, that nothing in the section contained shall apply to lands heretofore purchased by any duly organized cemetery company for burial purposes.

Proviso.

2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 11, 1904.

CHAPTER 250.

A Supplement to an act entitled "An act relative to the supreme and circuit courts" [Revision of 1900], approved March twenty-third, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The state shall be divided into nine judicial districts, each of which shall comprise such county or counties as the justices of the supreme court may from time to time by their order determine; and until such

Nine judicial districts.

Districts
made and
posted.

order shall be made the several judicial districts shall continue as now established by law.

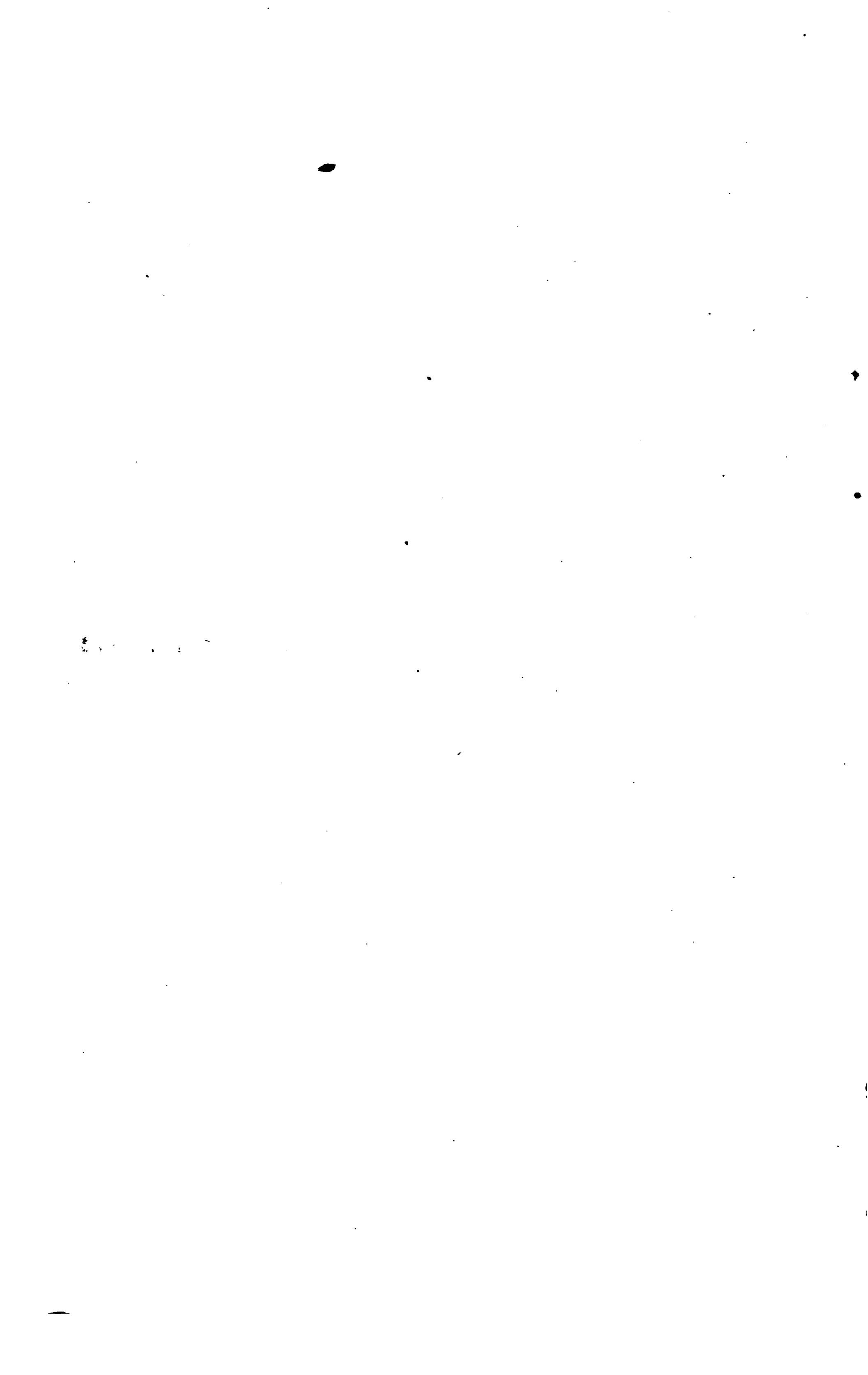
2. Whenever the justices of the supreme court shall make an order changing the said judicial districts or any of them, such order shall be signed by the chief justice and entered upon the minutes of the supreme court, and the clerk of said court shall transmit a certified copy thereof to the clerk of each county, who shall forthwith post the same in a conspicuous place in his office.

3. This act shall take effect immediately.

Approved April 11, 1904.

JOINT RESOLUTIONS.

(501)



Joint Resolutions.

JOINT RESOLUTION No. 1.

Joint Resolution for the better preservation of life and property and securing better facilities for small craft on the coast between Sandy Hook and Barnegat inlet.

WHEREAS, A very large number of small craft, such as torpedo boats, submarine boats, launches, yachts and power fishing boats are constantly plying off the coast of New Jersey; and

WHEREAS, The distance from Sandy Hook to Barnegat inlet is over forty miles, and the Squan inlet, situate midway between is not of sufficient depth on the bar for this class of vessels to make a harbor at all times; and

WHEREAS, It is feasible to connect the head of Barnegat bay with Squan inlet, thereby insuring an inside passage for twenty-two miles and a good inlet for ingress and egress for the aforesaid craft; and

WHEREAS, This would create a harbor for submarine and torpedo craft of great value in time of war with any foreign enemy as well as a safe harbor for other small vessels,

i. *Be it resolved*, by the Senate and General Assembly of the state of New Jersey, that our senators and representatives in congress be respectfully requested to urge the passage of an act making the necessary appropriation for the better preservation of life and property by establishing a harbor for small vessels that are now exposed to great danger.

Preamble.

Harbor for
small
vessels.

LAWS, SESSION OF 1904.

Congress informed.

2. *And be it resolved*, that the governor be requested to transmit to each of our senators and representatives in congress assembled a certified copy of these resolutions.

Approved March 7, 1904.

JOINT RESOLUTION No. 2.

Joint Resolution to provide an appropriation for painting the portrait of ex-governor George C. Ludlow.

Preamble.

WHEREAS, The legislature of New Jersey, in the year one thousand nine hundred and two (1902), by joint resolution number three, provided for the portraits of deceased governors of the state, which have become the property of the state and now hang on the walls of the executive chamber, and provisions have not been made for all those who have held that high office, and, being desirable that the list should be completed; and

WHEREAS, To comply with the provisions of section one (1) of said resolution, to wit, "That the cost of said portrait shall not exceed the sum of six hundred dollars, which sum must be first appropriated in the annual appropriation bill," to enable a committee, consisting of the president of the senate, speaker of the house and adjutant-general to act; therefore,

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

Appropriation.

1. The sum of four hundred dollars be and is hereby appropriated for the purpose of painting the portrait of ex-governor George C. Ludlow; *provided*, said moneys shall have been duly appropriated in the annual or supplemental appropriation bill.

Proviso.

2. This resolution shall take effect immediately.

Approved March 22, 1904.

JOINT RESOLUTION No. 3.

Joint Resolution for acquiring by purchase by the state, the portraits of certain signers of the Declaration of Independence and the appointment of a commission for that purpose and providing an appropriation therefor.

WHEREAS, The state has been acquiring the portraits of distinguished men, now deceased, who have been connected with the history of the state and country; and

Preamble.

WHEREAS, Several citizens of this state were signers of the Declaration of Independence, and it being deemed desirable that their portraits should be secured by the state; and

WHEREAS, The portraits of these gentlemen have been painted by Mr. Henry Harrison, the artist who has painted several of the portraits already acquired by the state, and who has offered to sell the same to the state; therefore

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

1. The governor, the president of the senate and the speaker of the house of assembly, be and they are hereby appointed as a commission, to examine and inspect the portraits of Dr. John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark and Richard Stockton, citizens of the state of New Jersey, who were signers of the Declaration of Independence, and which have been lately painted by Mr. Henry Harrison, and if by the said commission adjudged satisfactory, that such commission, on behalf of the state, purchase the said portraits for the state.

Portraits of
signers of
declaration
of independ-
ence.

2. The price to be paid for the said five portraits, properly framed, shall not exceed the sum of twelve hundred and fifty dollars.

Amount.

Appropria-
tion.

3. Should the said commission purchase the said portraits, as aforesaid, and so certify in writing to the comptroller of the state, then in such case, the purchase price, not exceeding said sum of twelve hundred and fifty dollars, is hereby appropriated for such purpose and the committee on appropriations is hereby requested to place such sum so appropriated in the annual appropriation bill.

4. This resolution shall take effect immediately.

Approved March 24, 1904.

JOINT RESOLUTION No. 4.

Joint Resolution providing for the purchase of portraits of the governor and ex-governors of this state.

Preamble.

WHEREAS, The portraits of many of the distinguished men who have held the office of governor of this state under the present constitution, have become the property of the state and now hang on the walls of the executive chamber; and

WHEREAS, Provision has not been made for the portraits of all who have held that high office during the period mentioned, and it is desirable that the list should be completed and so far as possible the portraits shall be painted from sittings given by the subject to the artist selected by the committee and in future during the official term of the governor; therefore,

*BE IT RESOLVED by the Senate and General Assembly
of the State of New Jersey:*

Portraits of
governors.

1. A committee consisting of the president of the senate and speaker of the house of assembly and the adjutant-general of the state be authorized and requested to procure, as soon as may be, suitable portraits of the governor and all ex-governors under the present constitution not now provided for, in so far

as it may be possible to procure them; the said portraits to be painted in oil by reputable artists, and appropriately framed, and not to cost, in any instance, over one thousand dollars each, the same to be paid by the treasurer out of any moneys in the state treasury not otherwise appropriated, upon a warrant drawn by the comptroller on approval of the aforesaid committee, or a majority thereof, and in the order of their completion and delivery; *provided*, such sum or sums shall first be appropriated in the annual appropriation bill.

2. This joint resolution shall take effect immediately.

Approved March 28, 1904.

Amount.

Proviso.

JOINT RESOLUTION No. 5.

Joint Resolution authorizing the appointment of a commission to report on the advisability of establishing free bridges across the Delaware river, together with the probable cost thereof, and the expense of maintaining the same.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

1. The governor is hereby authorized to appoint three commissioners whose duty it shall be to make investigation as to the advisability of establishing free bridges across the Delaware river between above the westerly end of Burlington island and Port Jervis, including in such investigation an estimate of the probable cost of building, and the expense of maintaining the same; and to make report of the results of their investigation to the next session of the legislature.

Commission
on free
bridges.

2. Said commissioners are hereby empowered to confer with the governor and other officials of the state of Pennsylvania, or any commissioners appointed by the state of Pennsylvania, to ascertain therefrom, if possible, the views of the authorities of the state of Pennsylvania upon this subject.

Powers.

Compensa-
tion and ex-
penses.

3. Said commissioners shall serve without compensation, but shall be allowed their reasonable expenses, and that such expenses to a sum not exceeding five hundred dollars shall be paid by the state treasurer upon the warrant of the state comptroller, on bills certified by the commissioners.

4. This resolution shall take effect immediately.

Approved March 28, 1904.

JOINT RESOLUTION No. 6.

Joint Resolution to provide for the granting of a medal to Major Charles S. Barnard, retired, for service in the national guard of the state of New Jersey.

Preamble.

WHEREAS, Major Charles S. Barnard, retired, has heretofore served over fifteen years in the national guard of this state, to wit, from August first, one thousand eight hundred and seventy-three, to April seventh, one thousand eight hundred and ninety-two; and

WHEREAS, The state military board did, on December eighteenth, one thousand eight hundred and ninety-four, adopt a resolution providing for the issuance of a medal to those who have rendered long and faithful service in the militia and national guard of the state of New Jersey; and

WHEREAS, The said Major Charles S. Barnard had resigned from the service prior to the adoption of said resolution, and by reason thereof the said state military board have refused to grant him said medal; therefore,

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

1. That the state military board and adjutant-general of this state be and they are hereby directed to issue to Major Charles S. Barnard, retired, a fifteen-year service medal, as provided for in the resolution aforesaid.

2. This resolution shall take effect immediately.

Approved March 28, 1904.

Service
medal.

JOINT RESOLUTION No. 7.

Joint Resolution for the better improvement of the highways of this state.

WHEREAS, A resolution has been introduced into congress providing for an appropriation by the federal government of twenty-four million dollars to be distributed among the states of the union according to their population, for federal co-operation in road building, on condition that the states, counties and towns raise an equal portion to that which they receive from the federal government; and

Preamble.

WHEREAS, Should said bill become a law the state of New Jersey will receive as its share about five hundred and forty-six thousand dollars; and

WHEREAS, There is great need for improving the highways of this state; therefore,

Be it resolved, That the senate and assembly of the state of New Jersey, believing in the principle of national, state, county and town co-operation in the construction of main highways, not only for the benefit of the agriculturist, but for the benefit of the consumers of agricultural products; and also believing in the wisdom of the expenditure of public moneys for the purpose of improving the internal wealth and commerce of the nation;

Approving
national aid
for roads.

We therefore heartily endorse the provisions of said bill and desire its passage; and further, be it

Endorse-
ment.

Resolved, That we ask our senators and congressmen to use all honorable efforts in passing this bill in order to secure for the state of New Jersey the benefits of national aid in road construction; and be it further

Congress-
men urged
to act.

Resolved, That a copy of this resolution be sent to the chairman of the committee on agriculture and each of the senators and congressmen from this state.

Copies fur-
nished.

Approved March 28, 1904.

JOINT RESOLUTION No. 8.

Joint Resolution to provide an appropriation for painting the portrait of the late chief justice Mercer Beasley.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

Appropriation.

1. The sum of five hundred and fifty dollars be and is hereby appropriated for the purpose of painting the portrait of the late chief justice Mercer Beasley, and that the committee on appropriations is requested to place that sum in the annual appropriation bill at this session.

2. This resolution shall take effect immediately.

Approved March 28, 1904.

JOINT RESOLUTION No. 9.

Joint Resolution to continue the commission to examine concerning the imprisonment and care of women offenders and to prescribe its duties.

Preamble.

WHEREAS, Number two of the joint resolutions of the senate and general assembly of the state of New Jersey, approved April seventh, one thousand nine hundred and three, provided for a commission of five persons to make a careful examination concerning the present facilities and accommodations of the state for the imprisonment and care of woman offenders and the provisions made and methods employed in other states for their care, and to report as to the necessity or advisability of establishing a state reform for women; and

WHEREAS, The said commission was duly appointed and has rendered to the legislature at this session a report containing the results of their deliberations, after having made an extensive and conscientious examination of the matters entrusted to them;

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

1. The said commission, as constituted at this time of making said report, do further examine into the present facilities and accommodations of the state for the imprisonment and care of woman offenders, and examine and report as to the number of women confined in houses of correction, refuges, missions or homes of like character for the care of delinquent women in the state, who have been placed in such houses of correction, refuges, missions or homes of like character at the request of any judge of any court of this state or of the probation officer; and shall also ascertain and report the number of women under the care of the probation officer of this state, together with their names and the nature of the offences committed; shall also report upon the character of the work required of women in jails and penal institutions of the state and the average number of hours each during which they are employed.

2. The governor is hereby authorized to fill any vacancy now on said commission or any vacancy which may occur by resignation or otherwise, and he may appoint, if he so desires, a woman to fill any such vacancy so that said commission shall consist of three women instead of two.

3. Said commissioners shall serve without compensation and shall be allowed the sum of one hundred dollars for expenses, which expenditure shall be paid by the treasurer upon warrant of the comptroller, after receiving an itemized voucher thereof certified to by the governor and the chairman of the commission out of an appropriation which shall be made by the legislature for that purpose.

4. This resolution shall take effect immediately.

Approved March 28, 1904.

Continuation
of
commission
on female
reforma-
tory.

Vacancies.

Compensa-
tion and
expenses.

JOINT RESOLUTION No. 10.

Joint Resolution in relation to medals for the survivors of the officers and men who enlisted from the state of New Jersey during the war of the rebellion in New Jersey regiments, and to be known as the "New Jersey civil war veteran medal."

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

Medal to
survivors of
civil war.

I. The governor of this state be and is hereby authorized to cause a medal to be prepared and presented to each of the honorably discharged survivors of the officers and men who enlisted from the state of New Jersey during the war of the rebellion, in New Jersey regiments mustered into the service of the United States in this state, said medal to be known as the "New Jersey civil war veteran medal," to commemorate their services to their country in the civil war, the cost not to exceed ten thousand dollars; *provided*, that this resolution shall not apply to officers and men who are entitled to receive a "first defender's medal," under the terms of a joint resolution entitled, "Joint resolution in relation to medals for the survivors of the officers and men who enlisted from the state of New Jersey during the war of the rebellion under the proclamation of the president, dated April fifteenth, one thousand eight hundred and sixty-one, and in consequence of the requisition of the war department for our quota of seventy-five thousand men from this state, dated April seventeenth, one thousand eight hundred and sixty-one, and to be known as the 'first defender's medal,'" approved March twenty-second, one thousand nine hundred and one.

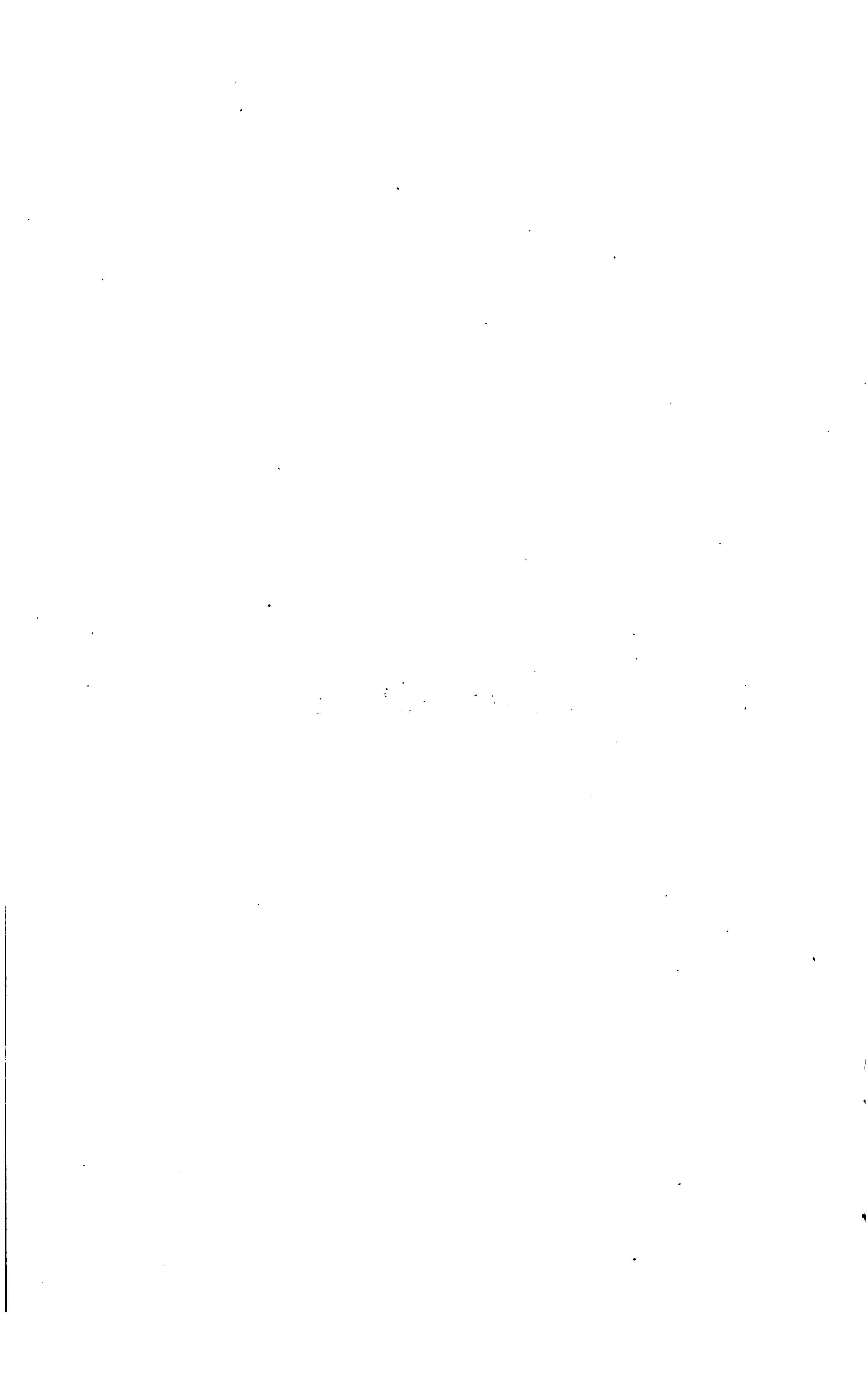
Approved March 28, 1904.

Name.

Proviso.

SPECIAL SESSION OF THE LEGISLATURE

(513)



Acts Passed by the Special Session of the Legislature

Convened April 12th, 1904.

CHAPTER I.

An Act for the protection of pigeons and other fowl, and constituting the violation of its provisions a misdemeanor.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Any person who uses a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird used as aforesaid, or is a party to such shooting, or leases any building, room, field or premises, or knowingly permits the use thereof for the purpose of such shooting, shall be guilty of a misdemeanor, and shall be liable to a penalty of sixty dollars for each violation of this act, and to an additional penalty of twenty-five dollars for each pigeon, fowl or other bird shot at or killed in violation thereof; but nothing in this act shall be held to apply to the shooting of game.

Shooting at pigeons, etc., a misdemeanor.

Penalties.

2. All acts and parts of acts, general, special or local, inconsistent with this act, be and the same are hereby repealed.

Repealer.

Approved April 12, 1904.

CHAPTER 2.

An Act to amend an act entitled "A further supplement to 'An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof,' approved March eighth, one thousand eight hundred and eighty-two," said act approved March thirteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act to which this is an amendment is hereby amended to read as follows:

2. For the purpose of raising the money necessary to pay the cost of enlarging, rebuilding and constructing any such sewers, or any additional or relieving sewer or sewers, and the expenses connected therewith, the said common council, board of aldermen or other governing body having charge of the finances of any such city, is hereby authorized and empowered in the first instance, to issue and sell the bonds of such city for an amount not exceeding the estimated costs and expenses of such improvement, payable in not more than thirty years from the date thereof and bearing interest not exceeding the rate of four per centum per annum, payable semi-annually; and to be of such denomination as the said common council, board of aldermen or other governing body may determine; and may be either registered or coupon bonds; *provided, however,* that the bonds issued under this act in any one year shall not exceed the sum of one hundred and fifty thousand dollars.

2. This act shall take effect immediately.

Approved April 19, 1904.

Section
amended.

May issue
bonds for
sewer pur-
poses.

Amount,
time, rate.

Proviso.

CHAPTER 3.

A Supplement to an act entitled "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and five," approved April fifth, one thousand nine hundred and four.

*BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:*

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the state fund for the purpose herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and five, namely:

Road ap-
propriation.

I.

PUBLIC ROADS.

For the permanent improvement of public roads in this state, two hundred and fifty thousand dollars. Amount.

2. This act shall take effect on the first day of November, one thousand nine hundred and four. When effective.

Approved April 19, 1904.

CHAPTER 4.

An Act to provide for the regulation of the flow of torrential rivers, to protect persons and property from damage by floods, and to provide for the maintenance and regulation of river flood districts when established by law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

River flood district.

1. Whenever the legislature by special act shall create and establish a river flood district within this state defining the territory included therein, the governor, by and with the advice and consent of the senate, shall nominate and appoint five persons residents within said district to be commissioners, and the said commissioners and their successors in office shall be a body politic and corporate, with perpetual succession under the name of "_____ River Flood District Commissioners," with power to sue and be sued, to adopt and use a corporate seal, and with the right, power and authority to acquire, hold, use and dispose of all such property, real and personal, as may be proper or necessary for the purposes for which such corporation exists, and with all other powers proper or necessary to carry out and effectuate the purposes for which the said commission is created; said commissioners shall hold office for a term of four years, beginning on the first day of May next following the date of their appointment; any vacancy occurring in the office of commissioner shall be filled by the governor, but for the unexpired term only; the governor shall have power to remove any commissioner for cause, and upon such removal to fill the vacancy thus occasioned for the unexpired term; each of the said commissioners shall receive an annual salary of twenty-five hundred dollars, payable in equal monthly installments.

Corporate name.

Authority.

Term.

Vacancies.

Removal.

Salary.

Organization.

2. The said commissioners shall, within thirty days after their appointment, meet and organize by the choice

of one of their members as president, and they may elect a treasurer and a clerk, both of whom may or may not be a member of the board, and may also from time to time appoint and employ such other officers, attorneys, agents, engineers, assistants and employes as may be necessary to carry out the purposes of this act, and may prescribe the duties and fix the compensation of all such officers, attorneys, agents, engineers, assistants and employes; all appointees of said commissioners may be removed at the pleasure of the commission.

Assistants.

3. Every commission appointed under this act for any river flood district is hereby given full power and authority to devise and adopt plans of suitable works for the control and restraint of the flood waters of the river flowing through the district and to make, construct and maintain such dams, reservoirs, sluices, canals, aqueducts and other works as may be appropriate for preventing damage to property in said flood district from the overflow of such river; the said commissioners shall have power and authority to purchase and acquire lands and rights or interests in lands within and without the said flood district which may be deemed necessary for the construction of such works as above mentioned, and for their maintenance and proper operation, and to purchase and acquire water-rights and rights of flowage necessary or appropriate to the establishment and maintenance of the plans adopted.

Powers and duties.

Acquire lands.

4. If in any case the said commissioners shall be unable to agree with the owner or owners of any lands, water-rights or other rights or interests in lands deemed necessary by them in the construction, prosecution and maintenance of the works hereby authorized, or when by reason of legal incapacity or absence of such owner or owners no agreement can be made for the purchase thereof, the lands, water-rights or other rights or interests in lands so deemed necessary for the purposes of this act, shall be acquired by condemnation by the said commissioners, in the manner provided by the general laws of this state relating to the condemnation of lands for public uses; *provided*, that no private property shall be taken for the purposes of this act without compensation therefor shall have first been made or

By con-demnation.

Proviso.

tendered to the owner or owners thereof, or in lieu thereof paid to the clerk of the county in which the lands or interests therein taken are located, for the use of the person or persons entitled to receive the same; and in case such payment or tender to the owner or owners, or payment into court, is made upon the award of commissioners in condemnation, the said flood district commission shall be entitled to take immediate possession of the property so condemned notwithstanding any appeal.

**Construct
dams, reser-
voirs, etc.**

5. The said commission shall have power to construct any dams, reservoirs or other works by them undertaken in accordance with this act under or over any water-course, under or over or across or along any street, turnpike or highway and for that purpose are hereby authorized to take lands, real estate, water rights or rights or interests in lands other than those used for railroad or canal purposes, and in the case of public highways to require the same to be abandoned so far as may be necessary for the purpose of said works and to be relaid, if necessary, by some other route or in some other location; damages for the taking of such property, as well as the value of such property taken, to be paid for according to law; the said commissioners shall also have power to alter or change the grade of any highway or public street where necessary for the purpose of carrying out the plans by them adopted; if it shall become necessary to change the location or gradient of any canal or railroad operated under a charter or the appurtenances thereof, the corporation owning and operating the same shall be authorized to relocate and change the same so far as needful and to acquire by condemnation or purchase under its chartered powers the property necessary for such changes, and to agree with said commissioners upon the details of such changes, the cost thereof to be paid by the commissioners as part of the expense of the said works; or such needed property may be acquired by the commissioners by purchase or condemnation under their powers, and the same conveyed by them to such railroad or canal company.

Damages.

**Change
grades.**

**Right to
enter upon
property.**

6. The said commissioners may by their officers, agents, servants and employes enter at all times upon any lands

or waters within or without the said district for the purpose of exploring, surveying, levelling and laying out the plans of the dams, aqueducts and other works by them to be constructed, doing, however, no unnecessary damage or injury to private property.

7. When the said commissioners shall have adopted a plan of works for the control and restraint of the flood-waters of the district they shall file a copy thereof, together with a map showing the lands to be taken, flowed or otherwise affected by said works, and the area and extent of any reservoir to be constructed, in the office of the county clerk of the county or counties within which said lands lie or said works are to be constructed; they shall also cause to be made a careful estimate of the cost of said works, in which shall be included the cost of the lands, water-rights, and rights and interests in lands to be acquired, and the damages for the taking thereof, together with an estimate of the cost of changing the location of any railroads, canals, or highways which may require to be changed in carrying out said plans, and shall file a copy of said estimate with the said plans in the office of the clerk of the county or counties within which said lands lie or in which said work are to be constructed; the said commissioner shall also at the same time proceed to ascertain and inquire what lands and real estate within said flood district will be specially benefited by the construction and maintenance of said works and the approximate amount of the said benefits; also the amount of such special benefits as will accrue to every city, township, borough and other municipality wholly or partly within said flood district, and to the county or counties within which said works are located, or which are benefited thereby; and as accurately as may be, specify the extent of lands on each side of said river within the flood district that will be benefited by said works; thereupon the said commissioners shall make application to a justice of the supreme court for the appointment of three discreet persons to make an assessment of the costs, damages and expenses to be incurred by the said commissioners for the acquiring of the said lands, water-rights, rights and interests in lands, the construction of said works, and other lawful costs and expenses

Copy of proposed work filed with county clerk.

Estimated cost.

Benefits.

Court to appoint commissioners of assessment.

connected therewith as shown in the said estimate; notice of such application shall be given by publication in one or more newspapers published within said flood district, by at least three publications, the first of which shall be published at least ten days prior to the day on which said application is to be made; such justice of the supreme court, when applied to as aforesaid, on due proof that such notice has been given, is hereby authorized and required to appoint three discreet persons as aforesaid, who shall be denominated assessors; and in case of the death, resignation, disability or refusal to serve of any such assessor, the vacancy shall be filled as soon as may be by the said justice, upon such notice as he shall direct; the assessors so to be appointed shall, before entering upon the duties of their office, take, subscribe and file, in the office of the clerk of the supreme court, an oath faithfully to discharge the duties devolving upon them.

Duty of
assessors.

8. The said assessors, upon their appointment and qualification, shall forthwith proceed to make a just and equitable assessment of the cost of acquiring the said lands and rights, and of constructing said works as estimated by the said flood commissioners, upon all of the lands of private owners within said district specially benefited by such works, in proportion to the benefits actually acquired by said lands; but in no case shall the assessment upon any lands exceed the special benefits arising from said works to the lands so assessed; the said assessors shall also make a just and equitable assessment upon the cities, townships, boroughs and other municipal corporations lying wholly or partially within said flood district, and upon the county or counties within which said works are located or which are benefited thereby, for the amount of benefits specially received by such counties, cities, townships, boroughs and other municipalities by reason of said works, in proportion to the benefits actually received by each of them; the benefits assessed shall not exceed the total cost of said works as estimated by the commissioners, nor shall any lands, or any county, city, township, borough or other municipality, be assessed a greater sum than the amount of benefits received or to be received from said works.

Hearing.

9. The said assessors shall, before entering upon their duties, give ten days' previous notice, by publication in

two of the newspapers published in the district, that they will meet at a convenient time and place named in said notice for the purpose of discharging the duties devolving upon them as such assessors, and at the time and place so appointed they shall meet and proceed to examine the matters referred to them under this act, and shall have power to adjourn from time to time, and shall give full opportunity to all parties interested under such reasonable restrictions as the said assessors may impose, to state their views in regard to the subject-matter before said assessors, and to present their objections to the assessments to be made by the said assessors, and to produce evidence before the said assessors in support of their objections; and any one of the said assessors may administer oaths and take depositions of witnesses who shall be subject to the same pains and penalties for false swearing as if said oaths had been administered in an ordinary legal proceeding before a competent court.

10. Whenever the assessors shall have completed their assessment, they shall cause a map to be made showing the location and boundaries of each parcel of land so assessed, and shall designate on each parcel of land upon said map the name of the owner thereof so far as known to the assessors, and they shall make a certificate showing the whole amount of said assessments, with the amount assessed against each parcel of land, and against each county, city or other municipality, and the names of the owners set opposite thereto, so far as the same may be known to the assessors, which map and certificate shall be filed in the office of the clerk of the county or counties in which said flood district is situated; thereupon said assessors shall give ten days' public notice in the manner provided by the sixth section of this act that they have completed the map and certificate required hereby, that the same have been filed, and that they will meet at a certain time and place designated in said notice, to hear and consider objections to said assessments, and to revise, correct and finally confirm the same; at which time and place the said assessors shall meet and give all parties appearing before them an opportunity of being fully and fairly heard concerning the said assessments or the subject-matter thereof; the said assessors shall,

Certificates
of assess-
ments.

Objections
heard.

after revising their said report, file the same in revised form with the clerk or clerks of the said county or counties as aforesaid and upon the coming in of said final report, signed by said assessors, or any two of them, the said flood commissioners shall cause notice to be given in the same manner as prescribed in the sixth section of this act, of an application to be made to a justice of the supreme court for the confirmation and approval thereof, which notice shall state the time and place at which such application will be made; and, at the time and place appointed, the said justice shall hear any matter that may be alleged against said report, or any part thereof, and shall either confirm the same or refer it back to the same or new assessors, to be appointed by the said justice to reconsider the subject-matter thereof; and the said assessors to whom said report shall be referred shall return the same report, corrected and revised, or a new report, to be by them made in the premises, to the said justice, within such time as he shall by order direct, and the same, on being so returned, shall be confirmed or again referred by such justice in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned which the said justice shall confirm, and such report, when so confirmed, shall be final and conclusive, as well upon the said flood commissioners as upon the owners of any lands and real estate affected thereby, and the counties, cities, townships, boroughs and other municipalities affected thereby.

*Confirmed
report final.*

*Assess-
ments a lien.*

II. From and after the filing of said map and report as aforesaid, and the final confirmation thereof, said assessment shall be and remain a lien upon each parcel of land so assessed for the amount thereof, with interest thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation of said lands or any judgment, mortgage or incumbrance thereon, and notwithstanding any mistake in the name or names of the, or omission to name the, owner or owners thereof, and any assessment in which such mistake or omission occurs shall, nevertheless, be a valid and effectual lien upon the lands assessed; and every assessment against any county, city, township, borough or other municipality shall constitute and remain a legal obliga-

tion against such city, township, borough or other municipality, with interest thereon.

12. All assessments made and confirmed under this act shall be paid in three annual equal installments with interest on each sum paid from the date on which the same became a lien or obligation, and shall be paid to and collected by the said flood commissioners through their treasurer or other financial officer; the said flood commissioners may fix the date at which the first annual payment shall be due and payable, which shall be within one year from the date of the confirmation of said report.

Payment of
assess-
ments.

13. If the total amount of assessments or benefits shall not equal the estimated cost of the said works the residue thereof shall be paid by said commissioners out of funds to be raised by them by the issue and sale of bonds, and for that purpose said commissioners shall be empowered to issue for and on behalf of said district its corporate bonds, which shall be payable at a time not exceeding thirty years from the date thereof, in such place, and either in currency or coin, as the said commissioners may determine; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually; all such bonds shall be signed by the president of the said board of commissioners and counter-signed by the treasurer, and shall be sealed with its corporate seal, attested by the clerk; in issuing such bonds the said commissioners may, in their discretion, make the same or any part thereof fall due at stated periods, not less than fifteen years from the date of issue and may reserve in said bonds an option to redeem or pay the same, or any part thereof, at stated periods at any time between the date hereof and the date at which they would otherwise fall due; the said bonds may be either coupon or registered bonds, or partly coupon and partly registered bonds, and all such bonds may be negotiated, sold and disposed of at not less than their par value, and the same or the proceeds thereof may be used by the said commissioners for the purposes aforesaid. All sales of bonds shall be made after public notice and advertisement calling for bids and shall be made to the highest responsible bidders.

Bond issue.

When due.

Sold
publicly.

Tax levied.

The said commissioners shall, on or before the twentieth day of June in each year, order and cause a tax to be levied and assessed upon all persons districts lying in whole or in part within said district for the purpose of raising the money necessary to pay interest upon its bonds and for a proper sinking fund, the amount of which shall be determined by them, and on or before the twentieth day of June in each year shall certify to the tax assessor, taxing board or other taxing officer of each of said municipalities or taxing districts lying in whole or in part within said district, the amount of tax required to be levied, assessed and raised in each of their respective municipalities and taxing districts for said purposes, which said amount shall be apportioned to each of said municipalities and taxing districts proportionately in accordance with the assessable property in said municipality or taxing district; and the said assessors, taxing boards and taxing officers shall assess said sums so directed to be assessed (and certified to them) upon all persons and property within their respective municipalities or taxing districts liable to be assessed for state or county taxes, and the said tax shall be levied, assessed and collected by the same officers, at the same time and in the same manner and with the same effect as state or county taxes are required to be levied, assessed and collected within said municipality or taxing district; and the taxes so levied upon real estate in said municipalities and taxing districts shall be and remain a first and paramount lien thereon until paid; the said flood commissioners may also borrow money upon notes or bonds of the said commissioners issued in their corporate capacity in anticipation of the collection of said special assessment against lands, counties, cities, townships, boroughs and other municipalities and may pledge said assessments as security therefor; but no such notes, bonds or other obligations shall be issued that shall run longer than five years, and no rate of interest in excess of five per centum per annum shall be allowed or paid by them upon any money borrowed for such purpose, nor shall the amount of such notes, bonds or other said last mentioned obligations

Amount apportioned.

Assessment, how made.

May borrow in anticipation of taxes.

outstanding at any time exceed the total amount of the unpaid assessments.

14. The said flood commission shall at all times keep full and accurate accounts of their receipts, expenditures, disbursements and liabilities, and a copy thereof shall be annually transmitted to the secretary of this state and to the clerk of each city, township, borough or other municipality in the district.

Accounts
kept and
trans-
mitted.

15. When said works are completed, the same shall be maintained and operated by the said flood commissioners at the expense of the flood district; the said flood commissioners are authorized and empowered to sell and contract for the sale and supply of water out of any reservoir or reservoirs where the same may be by said works impounded to any municipal or other corporation or private individual, either for potable or domestic purposes, or for manufacturing or other business purposes, and to charge and receive therefor reasonable rates and price, the proceeds thereof to be applied to the cost of maintenance of said works, and any surplus to be divided among and paid to the several municipalities and districts in the same proportion, as the taxes herein authorized to be raised, were by said commissioners apportioned between them.

Mainte-
nance of
works.

16. All liens for assessments against lands imposed under this act may, in case of default in the payment thereof, be enforced and the said lands sold in the same manner and with the same force and effect as provided by the laws of this state for the sale of lands for taxes in the respective cities, townships, boroughs and other municipalities in which the same severally are situate, the proceedings for such sales and the deeds of transfer thereunder to be conducted and made by said flood commissioners.

Sale of
water.
Receipts.

17. No contract for work or supplies shall be made by the said flood commissioners for sums in excess of five thousand dollars unless bids for the same be first solicited by public advertisement and the award made to the lowest responsible bidder.

Payment of
liens.

18. The said commissioners shall have power from time to time to adopt all such reasonable rules and regu-

Work by
contract.
Rules and
methods of
procedure.

LAWS, SESSION OF 1904.

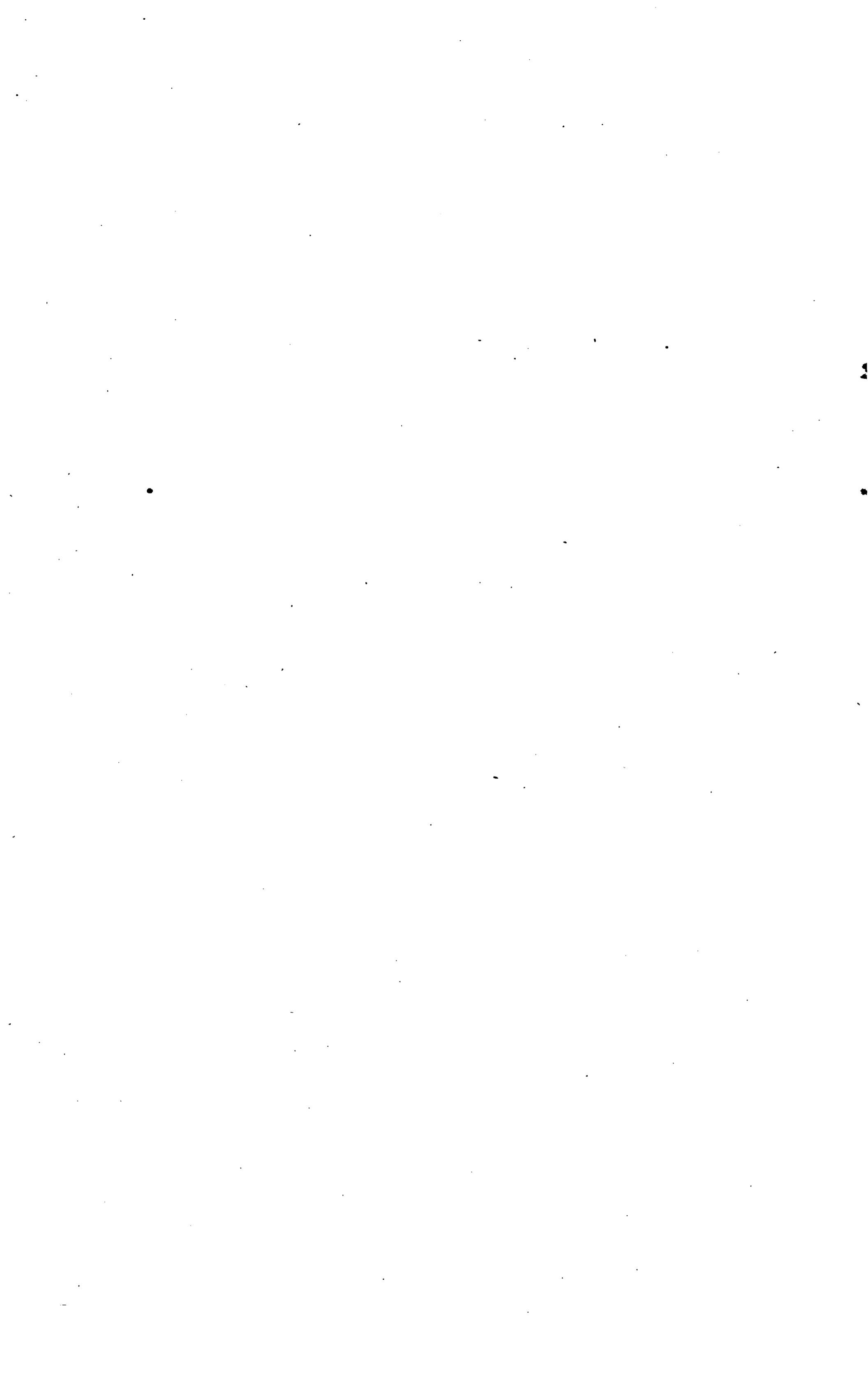
Proviso.

lations for their own government and the government of their officers and agents, and also for the use, protection, operation and management of its works, property and plant, as may be prudent and necessary; *provided*, the same be not inconsistent with the provisions of this act and the laws of this state.

Approved April 19, 1904.

PROCLAMATIONS.

(529)



Proclamations by the Governor.

THANKSGIVING PROCLAMATION.

**EXECUTIVE DEPARTMENT,
STATE OF NEW JERSEY,
CITY OF TRENTON.**

I appoint Thursday, November 26th, a day of Thanksgiving and Prayer, and request the people of the State to assemble in their places of public worship and return thanks to Almighty God for the blessings bestowed upon us as individuals and as a State during the year that is passed.

Life and the blessings of life are still ours. Our State is at peace. Our people are prosperous and we still enjoy the blessings of a free government that grows more enlightened and more beneficent as the years go by.

Let us all, young and old, gather together on the day named, and, with humility and thanksgiving, acknowledge the Lord God Almighty as the source from which all our blessings flow.

Given under my hand and privy seal, at the Executive Chambers, in the city of Trenton, on the thirteenth day of November, in the year of our Lord one thousand nine hundred and three, and of the independence of the United States the one hundred and twenty-eighth.

[L. S.] FRANKLIN MURPHY,
Governor.
Attest:

JOHN L. SWAYZE,
Secretary to the Governor.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

TRENTON, N. J., January 5, 1904.

WHEREAS, the comptroller did, on the fourth day of January, nineteen hundred and four, under the provisions of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of state taxes upon certain corporations, and for the collection thereof,' approved April 18, 1884," which supplementary act was approved March 23, 1900, report to the governor a list of all corporations coming under said act; and

WHEREAS, The following named corporations so reported have, for the two years preceding such report, failed, neglected or refused to pay the state taxes assessed against them for the year 1901, under the laws of the state of New Jersey, and made payable into the state treasury; and

WHEREAS, Under the provisions of said act, the charters of said corporations are repealed and all powers conferred by law upon such corporations declared inoperative and void, unless the governor gives further time for payment; and

WHEREAS, The governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

Wherefore, I, Franklin Murphy, governor of the state of New Jersey, pursuant to the provisions of said act of the legislature, do hereby issue this proclamation that the charters of the following named corporations so reported and in default, to wit:

MISCELLANEOUS CORPORATIONS—UNPAID TAXES FOR
THE YEAR 1901.

Acme Brick Company,
Acme Milling Company,
Acme Pulverizer Company,
Acorn Silk Company,

Adams Car Company,
Adjustable Golf Club Company,
Advertiser Company,
Aetna Lithia Water Company,
Ahwaga Zinc and Lead Company,
Ajax Portland Cement Company,
Alaska Copper Company,
Alaska and Northwestern Company,
Alaska and Russia Railroad,
Albemarle Soapstone and Mining Company,
Alliance Silk Mill,
Allied Water Companies,
Alma Bessemer Ore Mining Company of New Jersey,
Altoona Grocers Company,
Alvo Remedy Company,
American Advertising Sign Company,
American Automatic Valve Company,
American Bedding and Manufacturing Company,
American Bond and Mortgage Company,
American Car Ventilator Company,
American Cataphoresis Cure Company,
American Ceylon Graphite Company,
American Cloisonne Glass Company,
American Computing Scale Company,
American Corporations Company (No. 1),
American Corset Wire Company,
American Cosmorama Company,
American Cutlery Company,
American Development Company,
American Distributing Company,
American Electrical Amusement Company,
American Electrocure Company,
American Enamel Kid Company,
American Engineering Company,
American Engineering and Trading Company, formerly
 Pacific Engineering Company,
American Exploitation Syndicate,
American Fly Terror Company,
American Gear and Vehicle Company, formerly Ameri-
 can Gear Company,
American General Trading Company,
American Hull Cleaner Company,

American Iron Ore Refining Company,
American Laundry Company,
American Marbles Company,
American Marksmans Company,
American Marksmans and Amusement Company.
American Medical Protective Society,
American Medical Quarterly Company,
American Mercantile Company,
American Mutual Oil and Gas Company,
American Ornamental Sign Company,
American Patent Royalty Company,
American Patriot Publishing Company,
American Pegamoid Company,
American Phosphate Company,
American Pianist Company,
American Pickling, Supply and Trading Company,
American Pneumatic Carpet Cleaning Company,
American Pure Food Company,
American Ribbon Company,
American Rolled Steel Car Wheel Company,
American Safety Window Company,
American Specialty Company,
American Standard Measurement Company,
American Steam and Sail Chartering Company,
Limited,
American Street Railway Generating and Power Company,
American Turning Company,
American Vehicle Repair Company,
American Water Still Company,
Anderson High Grade Brick Company,
Anglo-American Publishing Company,
Anglo-American Slate Syndicate,
Anker Manufacturing Company,
Anness Flour, Feed and Grain Company,
Anthony Brothers,
Antiseptic Powder Company,
A. P. Meeker and Company (Incorporated),
Architectural Iron Works Company,
Arecibo Electric Light and Water Company,
Arizona Mercantile Company,
Arlington Steam Laundry Company,

Arnold Leasing and Mining Company,
Aroma Coffee Finish Company,
Arsenical Gold Reduction Company,
Arthur Hewitt Company,
Artificial Granite Company,
Artificial Lumber Company of America,
Asbury Park Athletic Association,
Asbury Park Sanitarium Hotel Association,
Atlantic Tube Company,
Atlantic Wave Motor and Power Company,
Auditorium Pier Company,
Austerlitz Mining Company,
Auto-Electric Company,
Automatic Oiling Company,
Automaton Company,
Automatic Dry Accumulator Company,
Bailey Restaurant Company,
Baker Artesian Well Company,
Baldwin Computing Engine Company,
Bankers Audit and Finance Company,
Barnegat City Steamboat Company,
Bashford Carriage Company,
Bay Ridge Wheel Company,
Bee Hive Coke-Oven By-Products Company,
Belleville Press Publishing Company,
Bell Watch Company,
Belmar Realty Company,
Bengal Baking Powder Company,
Bengert Brothers Grain and Produce Company,
Benjamin C. Warnick (Incorporated),
Bergen and Passaic Light, Heat and Power Company,
Berkeley Oval Association,
Berlin Canning Company,
Berlin Manufacturing Company,
Berwick Match Company,
Beverly Construction Company,
Bialy-Meredith Company,
Bicycle Combination Tool Company,
Big Vein Mining and Milling Company,
Bijou Theatre Company,
Bing Foundry and Machine Company,
Biscayne Bay Manufacturing Company,

Black Canyon Mining Company,
Blanchard and Hager,
Blau Unhairing Company,
Board Company,
Bogart Heights Company,
Boggs Oil and Gas Company,
Bohemian Club,
Boldrick-Callaghan Company,
Bonanza Chief Mining Company,
Bond Door Check Company,
Borg Chewing Gum Company,
Borland Manufacturing Company,
Boston Dental Association,
Boston Envelope Company,
Boston and Great Falls Land Company,
Boston and Idaho Copper Company,
Boston and Seven Devils Copper Company,
Boston and West Indies Steamship Company,
Boyce Ice, Water and Electric Power Company,
Brentwood Sanitarium,
Brewers and Distillers Mercantile Agency of New York,
Brewers Varnish Solutal Company,
Brewing Improvement Company,
Bridgeport Improvement Company,
Bridgeport Tire and Specialty Company,
Bridgeton Auditorium Company,
Brokaw Shirt Company,
Brooklyn Dial Company,
Brown-Swiss Diary Company,
Bruckner Fire Proof Plate Wall Company,
Brunswick Publishing Company,
Buckley Manufacturing Company,
Builders Sprage and Supply Company,
Building Supplies and Contracting Company,
Burchell Land Corporation,
“Burdette,”
Burlington County Publishing Company,
Burlington Silk Company,
Burns, Metzger and Company, Incorporated,
Bush Interlocking Bolt Company,
Caffall Company,
Calamine Company,

Calaveras Ditch Company,
Caledonia Portland Cement Company,
California Can Company,
California-Klondike Mining and Exploration Company,
California Mining and Chemical Company,
California Rapid Navigation Company,
Camden Theatre Company,
Canadian Sterling Light Company,
Canisteo Woodworking Company,
Cape May County Fair Association,
Cape May and New Jersey Coast Steamship Company,
Capital Publishing Company,
Carlisle Silk Manufacturing Company,
Carriage and Wheelmen's Repair Association,
C. A. Smith Company,
Cassidy Electrical Switch Company,
Catasauqua Rolling Mill Company,
Catawba Placer Mining Company,
Cauto River Company,
C. B. Maywood Company,
Cecil County Kaolin Company,
Central Asphalt Company,
Central Fire Proofing Company,
Central Pennsylvania Oil and Gas Company,
Central Portland Cement Company,
Century Chemical Company,
C. G. Mayer Ice Machine Company,
Chapot Chamois Company,
Chayette Electric Dredge Company,
Charities Review,
Charles Efros Steel Company,
Charles Weisker Company,
C. H. Duryea Company,
Chelsea Dredging and Improvement Company,
Chesapeake Beach Improvement Company,
Chicago Electric Vehicle Company,
Chicago Novelty Manufacturing Company,
Chicago and Ohio Oil Company,
Chillcat and Yukon Railway Company,
Cilley Machine Company,
Citizens Light, Heat and Power Company of Camden,
N. J.,

Citizens Supply Company,
Citizens Water, Heat, Light and Power Company of
Irvington, New Jersey,
Clapp Motor Carriage Company,
Clarendon Manufacturing Company,
Clarksboro Land and Improvement Company,
Clemens Traffic Company,
Cleveland Grocery Company,
Clio Mining and Milling Company,
Ciysmic Springs Company,
Coast Hotel and Improvement Company,
Coby Company,
Coggeshall and Brown Company,
Cole Machine Company,
Coleman Boynton Company,
Coles Slate and Blackboard Company,
Collier-Weeks Company,
Colombian Exploration and Mining Company,
Colonel Bogey Company,
Colonial Commercial Company,
Colonial Fruit Company,
Colonial Improvement Company,
Colonial Rug and Textile Mills,
Colonial Stock and Bond Company,
Colonies Hygeia Ice Company,
Colorado Marble Company,
Colorado Ore Reduction Company,
Columbia Acetylene Gas Company,
Columbia Buckle Company,
Columbia Mills Company,
Columbia Motor Manufacturing Company,
Columbia Stymite Company,
Columbia Theatre Stock Company,
Columbia Traction Company,
Columbus Auto-Cab and Delivery Company,
Colts Hill Building Company,
Combination Security Company,
Comet Skirt and Waist Company,
Commerce Gold and Silver Mining and Milling Com-
pany,
Commercial Carbon Company,
Commercial Development Company,

Commonwealth Rubber Company,
Commoss Process Company,
Companhia American de Plantacoes,
Compressed Steel Company,
Concert Direction. Rudolph Aronson,
Conklin Gold Mining Company,
Connecticut Advertising Company,
Connecticut Fibre Company,
Consolidated Company of New Jersey,
Consolidated Copalquin Mines Company (Limited),
Consolidated Fibre Ware Company,
Consolidated Gas Improvement Company,
Consolidated Kaolin and White Hydraulic Cement
Company,
Consolidated Light, Heat and Power Company,
Consolidated Magnetic Iron Mining Company,
Consolidated Motor Vehicle Company,
Consolidated Paper Manufacturing Company,
Consolidated Phonograph Companies (Limited),
Consumers Ice Company of White Plains,
Consumers Manufacturing Company,
Consumers Metal Company,
Consumers Tobacco Company,
Construction Company of North America,
Continental Advertising Company,
Continental Car Company,
Continental Construction Company,
Continental Security Redemption Company.
Contracting and Dredging Company of New Jersey,
Cook Sanitarium Company,
Co-operative Art Company of America,
Co-operative Gum and Paste Company,
Co-operative Investment Company,
Co-operative Society of New Jersey,
Coopers Creek Lime and Cement Company,
Copper Mines Development Company,
Cordova Apartment Hotel Company,
Cork Floor and Tile Company,
Corona Toilet Company,
Cortexalin Company,
Cos Cob Motor and Launch Company,
Cosmopolitan Tobacco Company,

C. R. Brewer Lumber Company,
C. R. Culver Dry Goods Company,
Crescent Skirt Company,
Cuban Baking Company,
Culpeper Gold Mining Company,
Cumberland Nurseries,
Curtins Express Company,
Dandrine Company,
Danville Rolling Mill Company,
Daylight Prism Company of America,
Dayton Manufg. Company,
De Dion-Bouton Motorette Company,
Delta Cotton Oil Company,
Demarest and Hobbis Company,
Denney Adamson Manufacturing Company,
Derees-Bush Company,
Detachable and Adjustable Heel Company,
Devereaux Gum Company,
Diamond Cotton Company,
Dickey Company,
Dixon Ice Cream Company,
Dodge Printing Ink Company,
Dorincourt Improvement Company,
Dreher Grease and Oil Company,
Dryden Springs Mineral Water Company,
Ducable Tire Company,
Dumars-Thompson Company,
Durango Construction Company,
Eades and Parsons Truck Fire Escape Company,
Eagle Clothing Company,
Eagle Remedy Company,
Eastern Coal and Transportation Company,
Eastern Commission Company,
Economy Grate Company,
Edison United Phonograph Company,
Edward H. Wagner Company,
Egg Harbor City Improvement Company,
Egyptian Tobacco Company of America,
Ehret Manufacturing Company,
Electric Automobile Supply and Manufacturing Company,
Electric Contract Company,

Electric Enameling Company,
Electric Power Development Company,
Electric Surgical Supply Company,
Electric Tripartite Steel Pole Company,
Electric Water Purification Company,
Electrical Maintenance and Inspection Company,
Electro Chemical Light and Heat Company,
Electro-Magnetic Brake Company of New Jersey,
Electro-Steam Appliance Company,
Electrified Water Company,
Electrozone Commercial Company,
Electus Shoe Company,
Elizabethport Lighterage Company,
Elk Mountain Lead and Silver Mining Company,
Elliott Machine and Mining Company,
Ellis Company,
Elzevir Press,
Emerson Time Stamp Company,
Emonepac Company,
Empire Automobile and Equipment Company,
Empire Construction Company,
Empire State Leather Company,
Empire State Phosphate Company,
Empire Supply Company,
Emporium Furnace Company,
Enamel Electric Manufacturing Company,
Engineering and Powdered Fuel Company,
Enlind Manufacturing Company,
E. P. Fuller House Furnishing Company,
Equitable Finance Company,
Equitable General Providing Company,
E. R. Gould Company,
Erickson Mining and Developing Company,
Erie Consolidated Mining and Reduction Company,
Erie Oil and Gas Company,
Ervin Page and Company, Incorporated,
Essex Park Land Company,
Eureka Lumber Company,
Eureka Vessel Raising Company,
Evans Pneumatic Motor Company,
Everett Lead and Zinc Mining Company,
E. W. Harvey Company,

E. W. Scarborough Company,
Excelsior Cure Company,
Excelsior Telephone, Telegraph and Subways Company,
Expanding Tread Company,
Expansionist Publishing Company,
Explosive Vapor Motor Company,
Export Printing and Publishing Company,
Fairfield Motor Company,
Fairmount Construction Company,
Fairmount Manufacturing Company,
"Farmer" Dunn Moving Picture Machine Company,
Farmers Co-operative Canning Company of Allentown,
New Jersey,
Federal Automobile Company,
Federal Finance Company, Limited,
Federal Supply Company,
Federal Wine and Spirit Company,
Federated Industrials Company,
Fera Company,
F. Hiscox Company,
Fidelity Guaranty Company of America,
Fidelity Security and Investment Company,
Financial Adjustment Company,
Financial Age Company,
Fireproofine Manufacturing Company,
Fire-Proof Matting and Rug Company of America,
Flax Patent Roofing Company,
Florida Manufacturing Logging and Contracting Company,
Food and Drink Company,
Foreign and Domestic Pumice Company,
Forest Hall Company,
Forman Stone Supply Company,
Forsyth Chair Company,
Foundry Supply Company of America,
Four Queens Mining and Developing Company,
F. P. Bhumgara Company,
Fraley Electro Therapeutic Company,
Franklin Machine Company,
Freedlowe Brick, Iron & Lumber Company,
Freehold and Jerseyville Turnpike Company,
Frost Tire and Rubber Company,

Fuel Economy and Engineering Company,
Fullerton Rolling Mill Company,
Fulton Stamp Works,
Gaillard Shield Company,
Galena Mining and Smelting Company,
Garber Auction and Van Company,
General Automobile Company,
General Cement Company,
General Construction Company of New Jersey,
General Electric Equipment Company,
General Electric Storage Battery Company,
General Elevator and Machine Company,
General Engineering Company,
General Investment Company,
General Liquid Air and Refrigerating Company,
General Securities and Guaranty Company,
General Service Automatic Company,
General Stores of Mexico,
Genung and Thompson,
George R. Healy Manufacturing Company,
Geo. W. White & Company,
Georgian Remedy Company,
Germania Realty Company,
Giant Metal Company,
Glencoe Window Glass Company,
Globe Graphite Company,
Globe Match Company of America,
Globe Realty Loan and Investment Corporation,
Globe Telephone Manufacturing Company,
Gloversville Granite Company,
Gold Hill Copper Company,
Gold-Loyd Company,
Gold River Mining Company,
Golden Giant Mining Company of New York,
Golden Giant Mining and Milling Company,
Golden Remedies Company,
Goldstone Mining and Milling Company,
Grafton Mica Company,
Granbery Manufacturing Company,
Grate Engineering Company,
Great Western Mining Company,
Greater America Line Steamship Company,

Greater New York Furniture House,
Guaranty Development Company,
Guild Company,
Hackensack Manufacturing Company,
Hallanan "Humane" Rubber Pad and Horse Shoe Company,
Hall Needle Company,
Halls Automatic Whistle Company, Newark, N. J.
Halter Investment Company,
Hamilton Mining and Trading Company,
Handley Webbing Company,
Handy Gas Machine Company,
Hardy Ice Machine Company,
Harsin Manufacturing Company,
Hartford Light Company,
Hartford Medical Company,
Hartford Metal Tempering Company,
Hartford Supply Company,
Hat Trimming M'f'g Company,
Havana Automobile Transfer Company,
Havana Fruit Company,
Hawaiian Undertakings Company,
Hawthorne Heat, Light and Power Company,
H. C. Sylvester and Company,
Heat Controlling Radiator Company,
Heat, Light and Power Company of New Jersey,
Heckert-Baltzley Billet Company,
Heckert-Baltzley Hollow Axle Company,
Hecla Zinc Company,
Helvetia Copper Company,
Henry C. Squires and Son,
Heynick Suspender Manufacturing Company,
Highland Brewing Company of Newburgh, New York,
Hinsdale Mining and Milling Company,
Hirner Card and Manufacturing Company,
Hoboken Coal Company,
Hoggson Clock Company,
Hollander Steamship Company,
Home Building Company, Jersey City,
Home Decor.,
Home Land and Development Company,
Home Security Company,

Home Treatment Company,
Homestead Coupon and Discount Company,
Honduras Railroad Company,
Honduras Rubber and Trading Company,
Honduras Milling and Land Company,
Hoppe Mining Company,
Hotel Cecil Company,
Hotel Company of America,
Hotopp Emery Company,
Houghton Automobile Company,
Household Publishing Company,
Howard Crosby and Company,
Howard Whitfield and Robinson Company,
H. O. Winters Development Company,
Howland Company,
Hubbard Manufacturing Company,
Hub Motor Transit Company,
Hudson County Contracting Company,
Hudson County Silk Manufacturing Company,
Hudson Iron and Steel Company,
Hudson Medical Company,
Hutmacher, Nobs and Campbell Leather Company,
H. W. Shaw,
Hygeian Pure Ice Cream Company,
Hygia Medical Company,
Hygienic Food Product Company,
Idaho Antimony Mining Company,
Idaho Apex Mining Company,
Ideal Bottle Packing Company,
Ideal Lock Company,
Ideal Mineral Water Manufacturing Company,
Illustrated Biographical Company,
Imperial Condensed Milk Company,
Imperial Iron Company,
Improvement Manufacturing Company,
Independent Salt Company,
Industrial Brick Company,
Industrial Tool Company,
Instant Lighter and Novelty Manufacturing Company,
International Alkali Company,
International Art Company,
International Board of Health Journal Company,

International Cape Nome Gold Mining Company of Alaska,
International Carbonator Company,
International Egg Preserver Company,
International Export and Import Company,
International Lactayne Company,
International Machine Company,
International Motor Carriage Company,
International Motor Wheel Company,
International Supply Company,
International Trade Mark Protective Company,
International Woodturning and Lumber Company,
Interstate Mercantile Industrial Association,
Investors Bonds and Securities Company,
Investors Co-operative Company,
Iowa Consolidated Mining Company,
Iron Clad Resistance Company,
Iron Steamboat Company,
Iron and Steel Foundry Supply Company,
Irving Investment Company,
Irwin Manufacturing Company,
Ives and Company,
Jackson Hotel Company,
Jamaica Bay Dock Company,
James W. Smith Company,
Jaso Food Company,
J. C. Keneney Company,
J. D. Krom Company,
Jeremy Catering Company,
Jewell Commission Company,
J. H. Hollingsworth Company,
J. H. Plummer Company,
J. J. Parker Company,
John A. Mead Manufacturing Company,
John King Metal Company,
John Rose Company,
John R. Scott Company,
John W. Mason and Company,
John W. Taylor Manufacturing Company,
Johnson Garment Manufacturing Company,
Johnson Laboratories, Incorporated,
Johnson Ocean Power Company,

Johnston Company,
Joplin-Galena Consolidated Zinc and Lead Company,
Journal of American Commerce and Industries Publishing Company,
J. P. Donlevy Company,
Judson and Brice Company,
Julio Tardos Development Company,
Just-Alsbau Torpedo Company,
J. W. Aspell and Company,
Kalapo Company,
Kamber Fine Company,
Karthaus Bituminous Coal Company,
Kendall Lumber Company,
Kentucky, Virginia and Lapel Bottle Company,
Kessler-Kavanaugh Company,
Keystone Block Company,
Keystone Filter Company,
Keystone Wagon and Automobile Company,
Killweed Company,
Kipp Land Company,
Kirkville Brick Company,
Knickerbocker Company,
Knickerbocker Cement Company,
Knickerbocker Drug Company,
Kohinoor Copper Mining Company,
Korean Mining and Development Company,
Kugler Syndicate,
Laborador Exposition Company,
La Chispa Oil and Development Company,
La Cigale Water and Power Company,
La Grande Automatic Buffet Lunch Company,
La Parle Soap Company,
La Plata Reduction Works Company,
Laconia Manufacturing Company,
Lafayette Wood Milling Company,
Laing Planetarium Company,
Lancaster Forge and Machine Company,
Land and River Company,
Lawrence Development Company,
Lawrenceville Pulp Company,
Lavigne Automatic Manufacturing Company,
Lee Confection Company,

Le Fevre Manufacturing Company,
Lehigh Power Company,
Leland Filter Company of New Jersey,
Le Roy Bicycle Company,
Liberty Land and Improvement Company,
Liquid Oxygen and Ozone Company of North America,
Little Mangue Mining Company,
Livermore and Hildick,
Livingstone Manufacturing Company,
Lloyd Manufacturing Company,
Lockman Brothers Silk Company,
Lock Stub Check Company,
Lockwood Mining Company,
Loft Company,
Louis J. Hovey Company,
Lumberville Quarry and Construction Company,
L. W. Haviland Company,
Lyman Pneumatic Signal Company,
Lyons Downing Company,
Madison School,
Magnetic Piano Company,
Mammoth Mining and Development Company,
Manalapan and Pattens Corner Turnpike Company,
Manhattan Automobile Company,
Manhattan Banana Company,
Manhattan Builders Supply Company,
Manhattan Export Company,
Manhattan Gold Mining Company of Manitou, Ontario, Limited,
Manhattan Heating, Lighting and Ventilating Company,
Manhattan Ice Company,
Manhattan Invention and Machine Company,
Manhattan and Newark Transportation Company,
Manhattan Oil Motor Company,
Manhattan Opera Glass Supply Company,
Mantua Land and Improvement Company,
Manufacturers Outlet Company,
Marcal Company,
Mariner and Company,
Marine Vapor Engine Company,
Martin Coffee Company,

Martin-Fefel Vehicle Company,
Maryland Metallic Bed Company,
Mason Battery and Electrical Company,
Mason Heating and Lighting Company,
Mason Manufacturing Company,
Massachusetts Construction Company,
Maston Paint Solvent Company,
Maybury Granite Company,
Maywood Manor Land Company,
M. B. W. Mining Company,
McCabe and Margerum Meat and Provision Company,
McClughry and Company,
McComb and Company,
McGee Umbrella Company,
McKnight-Baltzley Reduction Company,
Meadowbrook Brewing Company,
Mendolin Cure Company,
Mentha-Pepsin Company,
Merchants Mercantile Union,
Merchants and Physicians Adjusting Agency,
Merchants Transportation Company,
Mervenan Oil Company,
Messer Emery Wheel Company,
Metropolitan Fireproof Floor Construction Company,
Mica Mountain Mining Company,
Michael Specialty Company,
Michigan Corset Company,
Middlesex Land and Investment Company,
Midland Beach Excursion Company,
Miller Salvage Company,
Miller Street Sweeper Company,
Millville Light, Heat and Power Company,
Milmay Co-operative Mfg. Company,
Moen Tobacco Company,
Moffett Metal Company,
Mohican Spring Water Company,
Monarch Fire Appliance Company,
Monitor Lead and Zinc Mining Company,
Monmouth County Coaching Association,
Monroe Light and Power Company,
Monterey Mexican Exploration Company,
Montgomery-Abbott Last Company,

Moore Brick and Clay Company,
Moro Phillips Chemical Company,
Morris Tablet Machine Company,
Motto Macaroni Manufacturing Company,
Mount Moriah Mining Company,
Mulford and Wenke Coal Company,
Mullins Blank Book and Printing Company,
Municipal Contracting Company,
Municipal Light, Heat and Power Company,
Municipal Waste Paper Receptacle Company,
Murphy Safety Third Rail Electric Company,
Music Writer Company,
Mutual Coffee Company,
Mutual Investment Company,
Mutual Land and Improvement Company,
Mutual Mercantile Agency,
Meyers and Company,
National Abrasive Manufacturing Company,
National Agency Company,
National Asphalt Brick and Tile Company,
National Association of Electrical Engineers,
National Automatic Stamp Affixer Company,
National Banner Publishing Company.
National Bellophone Company,
National Check Book Corporation,
National Continental Union League,
National Contracting Company,
National Cosmorama Company,
National Electrical Manufacturing Company,
National Finance Company,
National Grate Bar Company,
National Industrial Company,
National Investment Company,
National Kaolin Company,
National Mat Company,
National Pancoast Ventilator Company,
National Production Company,
National Pulp Board Company,
National Roofing Company,
National Sea Power Company,
National Sign Material Company,
National Still Company,

National Transparent Picture Company of America,
Naugatuck Brass Company,
Navesink Country Club,
Naylor Paint, Color and Varnish Company,
Newark Corset Company,
Newark Decorative Leather Company,
Newark Hat Company,
Newark and Keyport Transportation Company,
Newark Lithographing and Bank Note Company,
New Amsterdam Book Company,
New Brunswick Foundry Company,
New Century Library Company,
New Coaldale Company,
New England Butter Company,
New England Carbide Gas Company,
New England Co-operative Company,
New England Suburban Manufacturing and Advertising Company,
New Guinea Mexican Gold Mines Corporation,
New Horse Shoe Mining Company,
New Jersey Automobile Livery Company,
New Jersey Bellaphone Company,
New Jersey Bottling Association,
New Jersey Brick Company,
New Jersey Coast Peoples Co-operative Ice and Water Company,
New Jersey Contracting Company,
New Jersey Dye Wood and Chemical Company,
New Jersey Historical Publishing Company,
New Jersey Iron and Metal Company,
New Jersey Leather Company,
New Jersey Light, Heat and Power Company,
New Jersey Motor Vehicle Company,
New Jersey Real Estate Company,
New Jersey Registry and Identity Company,
New Jersey Shoe Manufacturing Company of Hightstown, N. J.,
New Jersey Song Book Company,
New Jersey State Agricultural Society,
New Jersey Supply and Engineering Company,
New Jersey Valve Company,
Newkirk Medical Company,

New London Brewing Company Yale Brewery,
New Mexico Copper Mining and Smelting Company,
New Mexico Smelting and Mining Company,
New Mexico Sugar Beet Land Company,
New Netherland Silk Company,
New Orleans Cotton Mill Company,
New York Automobile Company,
New York Auto Truck Company,
New York Axle Lubricating Company,
New York Cleaning Company,
New York, Cuba and Gulf Delivery Company,
New York Gold Mining and Milling Company,
New York and London Finance Company,
New York Manufacturing Company,
New York Navigation Company,
New York and New Jersey Warehouse Company,
New York Nozzle Company,
New York Oil and Gas Company,
New York and Ontario Gold Mining and Development
Company,
New York Puzzle Company,
New York Stenographic Company,
New York Wagon Company,
Nieves Consolidated Mining Company,
Noble Rubber Company,
Non Explosive Oil Can Company,
Noonday Yeast Company,
Norcross Churn Company,
North American Cigar Company,
North Bergen Brewing Company,
North Branch Farmers Alliance Co-operative Associa-
tion,
North Eastern Lumber Company,
North Jersey Cycle Racing Association,
North Passaic Land Company,
Northern Manufacturing Company,
Norton Steam and Hot Water Boiler Company,
Norris Process Tannage Company,
Norristown Tin Plate Company,
Norwalk and Fairfield Worsted Mills,
Novelty Manufacturing Company,
Nutrico Food Company,

Cakman Motor Vehicle Company,
O. B. Gray Copper Company,
Ocean Grove Publishing Company,
Ocean Navigation and Construction Company,
Ocean Sparklets Company,
Ocklawaha and St. Johns Navigation Company,
Ogden Heights Land and Improvement Company,
Old Times Consumers Company,
Olympia Zinc Mining and Smelting Company,
Olympic Garden and Manufacturing Company,
Oneida Lake Natural Gas Company,
O'Neill and Rooney Electric Asepsis Company of Philadelphia,
Oregon Can Company,
Original Wyman Lunch Company,
Oriole Biscuit and Cereal Company,
Ostergren Manufacturing Company,
Overbaugh Non-refillable Bottle Company,
Oxolin Rubber Company of America,
Oxydite Company,
Paar Double Cushion Horseshoe Company,
Pacific Cable Company,
Pacific Rubber Company,
Palisade and Hudson River Land Company,
Palisade Paper Company,
Panal Placer Company,
Paranite Rubber Company,
Park Place Commercial Company,
Passaic Falls Dyeing Company,
Paterson Silk Dyeing Association,
Pedersen Lever Bicycle Company,
Peerless Dissolvent Company,
Peerless Pure Food Company,
Penn Oil, Gas and Mining Company,
Penn Slag and Stone Company,
Penn Tallow and Oil Company,
Pennsylvania Block Company,
Pennsylvania Canning Company,
Pennsylvania and Delaware Supply Company,
Pennsylvania Sanatorium Corporation,
Pennsylvania Sugar Refining Company,
Pennypack Trap Rock Company,

Peoples Patent "Self Defense" Plow Company,
Petersburg Hotel and Catering Company,
Pettit Battery Company,
Phenix Metal Company,
Philadelphia Auto-Photorama Company,
Philadelphia Electrical Banjo Company,
Philadelphia General Liquid Air and Refining Company,
Philadelphia Grains Company,
Philadelphia Granule Company,
Philadelphia Grocery and Produce Company,
Philadelphia Motor Vehicle Company,
Philadelphia Steel Company,
Photo Process Plate Company,
Piedmont Construction Company,
Piedmont Copper Company,
Pilgrim Baking Powder Company,
Pinal Mining Company,
Pittsburg Metal Coin Case Company,
Pittsburg Mining and Milling Company,
Pittsburg Steam Steering and Manufacturing Company,
Pittsburg and Tennessee Phosphate Company,
Pittsburg Water Purifier and Boiler Company,
P. K. Hardin Company,
Plainfield Automobile Company,
Plainfield Lumber Company,
Flaner, Shafer, Conkling Company,
Platano Gold Mining Company,
Plaza Building Company,
Pleasantville Electric Light and Power Company,
Pluto Gold Mining Company,
Poughkeepsie Cold Storage Company,
P. P. Dyeing Company,
Practical Feather and Down Company,
Practical Machine Company,
Prentice Investment Company of New York,
Preston Leather Company,
Fridham Sewerage Utility Company,
Prismatic Light Company,
Publishers Pulp and Paper Company,
Puritan Investment Company,

Pyne Poynt Improvement Company,
Quaker City Lead and Zinc Mining Company,
Quassapaug Paper Company,
Quick Manufacturing Company,
Quincy Granite Commercial Company,
Railway Station and Car Advertising Company,
Rainy River Gold Mining Company,
R. A. King Company,
Ramos Fire Escape Company,
Rampart Company,
Raney Car Manufacturing Company,
Range Sheep Company,
Raritan Electrical Manufacturing Company,
Raritan Shoe Manufacturing Company,
Raymond Flush Car Door Company,
R. B. Patterson and Company,
R. and C. Pants Company of Springfield, Mass.,
Reading Industrial Works Company,
Real Estate News Publishing Company,
Red Jacket Zinc Company,
Renova Medical Company,
Report Company,
Reserve Poultry, Farming, Canning and Commission
Company,
Resort Hotel Company,
Retailers Cigarette Company,
Reukauff Sons & Company,
R. and G. Typewriter Company,
Rhode Island Carbide Gas Company,
Rib and Stretcher Company,
Richmond Brick and Tile Company,
Riehl Manufacturing Company,
Riggs Company,
Rivershore Telephone Company,
R. J. Berdan Company,
Roanoke Furnace Company,
Rodecker Automatic and Adjustable Window Screen
Company,
Rose Park Cemetery of New York,
Roseville Realty Company,
Rotary Filing Machine Company,
Royal Arts Company,

Stotts City Zinc and Lead Company,
Strack Plantation Company,
Strong and Totten (Incorporated),
Stuart Power and Motor Company,
Styro Chiselry Company,
Suburban Construction Company,
Suburban Homes Company,
Summit Manufacturing Company,
Sunset Park Company,
Sunshine Publishing Company, Incorporated,
Superior Lumber Company,
Sussex County Gas Company of Newton, N. J.,
Suttonia Magnetic Company of America,
Syndicate Realty Company,
Taff Propulsion and Engine Company,
Talks Manufacturing Company,
Taylor Steam Economist Company,
T. B. Clark Company,
Teeter Elliptical Spring Company,
Telescoping Umbrella Company,
Tennessee Mineral Company,
Thackeray Incinerating Company of New England,
Thomson Auto-Mobile Company,
Thorpe Mantel Company,
Tide-Water Cannel Coal Company, Limited,
Tife Furnace Company,
Tlascalapa Creamery Company,
Toledo Mining and Milling Company,
Town Talk Printing Company,
Traders Real Estate and Building Supply Company,
Trans-Continental Advertising Company,
Trimble Coal, Wood, Brick and Trucking Company,
Tri-State Fair Association of New Jersey,
Tropical Company,
Tunicon Grocery Company,
Two Centuries Manufacturing Company,
Ukoma Remedy Company,
Union Advertising Company,
Union Brick Company of New England,
Union Cloak and Suit Company,
Union Engineering and Contracting Company,
Union Express and Transportation Company,

Union Improvement and Development Company,
Union Lumber and Construction Company,
Union Wood Working Company,
Union Zinc and Lead Company,
United Gold and Silver Company,
United Incandescent Light Company,
United Investment and Development Company,
United Light and Power Company,
United Parcel Forwarding Company,
United Power and Manufacturing Company,
United States Antiseptic Air-Tight Package Company,
United States Clay Manufacturing Company,
United States Detective Agency,
United States Ice Machine Company,
United States Manufacturing Company,
United States Match Company,
United States Menhaden Oil and Guano Company,
United States Paving Company,
United States Porpoise Lace Company,
United States Security Investment Corporation,
United States Telephone Company,
United Storage Battery Company,
United Towns Improvement Company,
Universal Clarifying Company,
Universal Development Company,
Universal Forwarding Company,
Universal Specialties Company,
Universal Spring Nut Lock Washer Company,
Upper Delaware River Transportation Company,
Utilization Company,
Uwanta Medical Company,
Vacuum Gas Stove Company,
Valhalla Trading Company,
Van Wagoner & Williams Hardware Company,
Vega Mining and Milling Company,
Vineland Pure Food Company,
Virginia Ice and Cold Storage Company,
Waldorf-Astoria Hotel Company,
Waldorf Realty Company,
Wallace Mining Company,
Wallington Public Hall Association,

Walter Steel Company,
Walton Light Company,
Warren Portland Cement Company (No. 2),
Warwick Machine and Valve Company,
Washburne and Company,
Watson Automatic Seat Post Company,
Wayland Portland Cement Company,
Way and Lowe Knitting Mills Company,
Weldon Company,
Wells Phonograph and Cycle Supplies Company,
West Coast Gold Mining Company,
West Chevy Chase Land Company,
West Indies Express Company,
West Orange Electric Light and Power Company,
Westcott Jewell Company,
Westcott Natural Gas Company,
Western Casket Company,
Western Operating Company,
Western Telegraph Typewriting Machine Company,
Western Union Sewing Machine Company,
Westport Granite Company,
W. E. Wood Hotel System,
W. F. Brothers Company,
Wheeling, Lake Erie and Pittsburgh Coal Company,
W. H. Grace Company,
Wickliffe Hat Company,
Willard and McKernan Clothing Company,
Wm. Conlin and Son Company,
William H. Allen Company,
Wm. M. Christy's Sons Company,
William R. Bailey Company,
Winans and Company,
Winship Shoe Company,
Winthrop Spring Hygeia Ice Company,
Witte Arc Light Manufacturing Company,
Woodland Beach Park Company,
Woodward Chemical Company,
Woodward Railway Gate Company,
Womans Progress Company,
Worcester Sanitary Cuspidor Company,
Worlds Cash Discount Company,
W. W. Wallis Company,

Wyoming Coal Company,
Wyoming Oil Company,
Wyss-Thalman Mfg. Company,
Yates and Company (U. S. A.), Limited,
Yerba Mate Tea Company,
Yonkers Alternating Arc Lamp Company,
Zenola Company,

are void, and all powers conferred by law upon such corporations, and each of them, are hereby declared inoperative and void; and I direct that this proclamation shall be filed in the office of the secretary of state, and be published for one week in the following newspapers, namely:

Jersey City Journal, Jersey City,
The Freie Zeitung, Newark,
The Paterson Daily Call, Paterson,
Elizabeth Daily Journal, Elizabeth,
State Gazette, Trenton,
New Brunswick Home News, New Brunswick,
Trenton Times, Trenton,
Camden Courier, Camden,
Newark News, Newark,
Newark Daily Advertiser, Newark,
Woodbury Constitution, Woodbury,
Plainfield Courier-News, Plainfield,
Hoboken Observer, Hoboken.

In witness whereof I have hereunto set my hand and caused the great seal to be affixed at Trenton,
[SEAL.] this 5th day of January, one thousand nine hundred and four.

FRANKLIN MURPHY,
Governor.

By the Governor,
S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

EXECUTIVE DEPARTMENT,
TRENTON, March 29, 1904.

WHEREAS, The Morris canal commission appointed by me pursuant to a joint resolution of the general assembly and senate of the state of New Jersey, presented their report to me on the fourteenth day of March, nineteen hundred and four, and the same was in due course laid before the legislature too late for its consideration at the regular session which has just ended; and

WHEREAS, The importance of the question involved in such report, and of the recommendations therein made, in my judgment require their immediate and prompt consideration; and

WHEREAS, Also the bill designed to prevent the shooting of pigeons from traps did not receive, as I believe, its due and proper consideration, and in my opinion public necessity requires the convening of the legislature to consider these subjects;

Therefore, I, Franklin Murphy, governor of the state of New Jersey, by virtue of the power vested in me by the constitution, do convene the legislature of this state, hereby requiring the senators and members of the house of assembly to meet in their respective chambers, at the state house, in the city of Trenton, on Tuesday, the twelfth day of April next, at twelve o'clock noon.

In testimony whereof I have hereunto set my hand and caused the great seal of the state to [L. S.] be affixed at Trenton this twenty-ninth day of March, nineteen hundred and four.

FRANKLIN MURPHY,
Governor.

S. D. DICKINSON,
Secretary of State.

ARBOR DAY PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

In accordance with established custom and the authority vested in me by joint resolution of the legislature, approved February 21, 1884, I, Franklin Murphy, governor, do hereby designate Friday, the twenty-second day of April as Arbor day in the state of New Jersey, and I hereby recommend that the teachers and pupils of our public and private schools, and the people generally, do devote the day to the planting of trees, shrubs and flowers, and the holding of such exercises as will tend to stimulate our love for nature and broaden our knowledge of the value of trees.

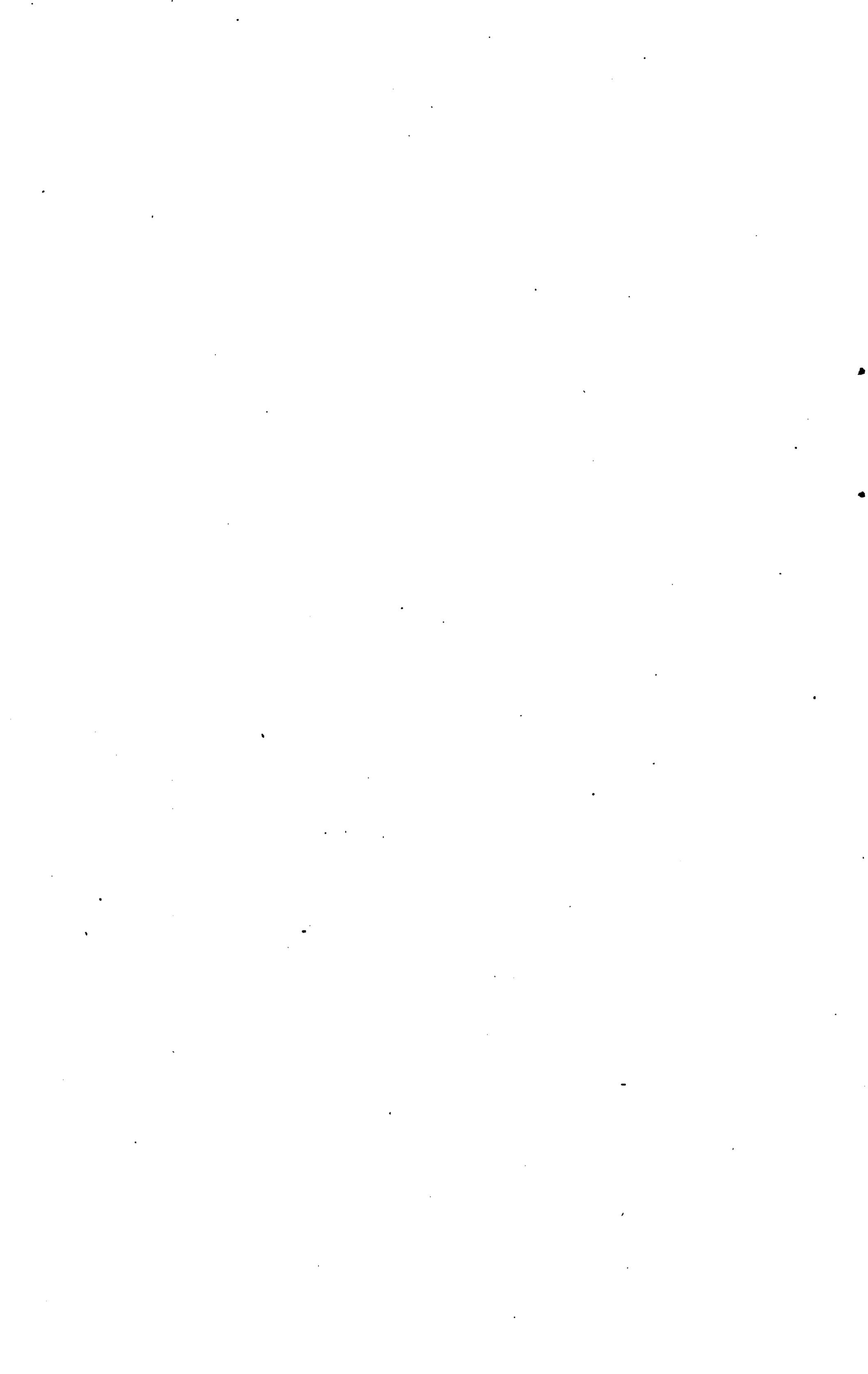
Although it is not specially enjoined by statute it is entirely appropriate that with the study of the trees be coupled lessons on the value of our native birds and the importance of preserving them. I therefore further recommend that exercises relating to the birds as well as to the trees be included in each program.

In testimony whereof, I have hereunto set my hand
and caused the great seal of the state to be
[L. S.] affixed, at Trenton, this thirtieth day of
March, one thousand nine hundred and
four.

FRANKLIN MURPHY.

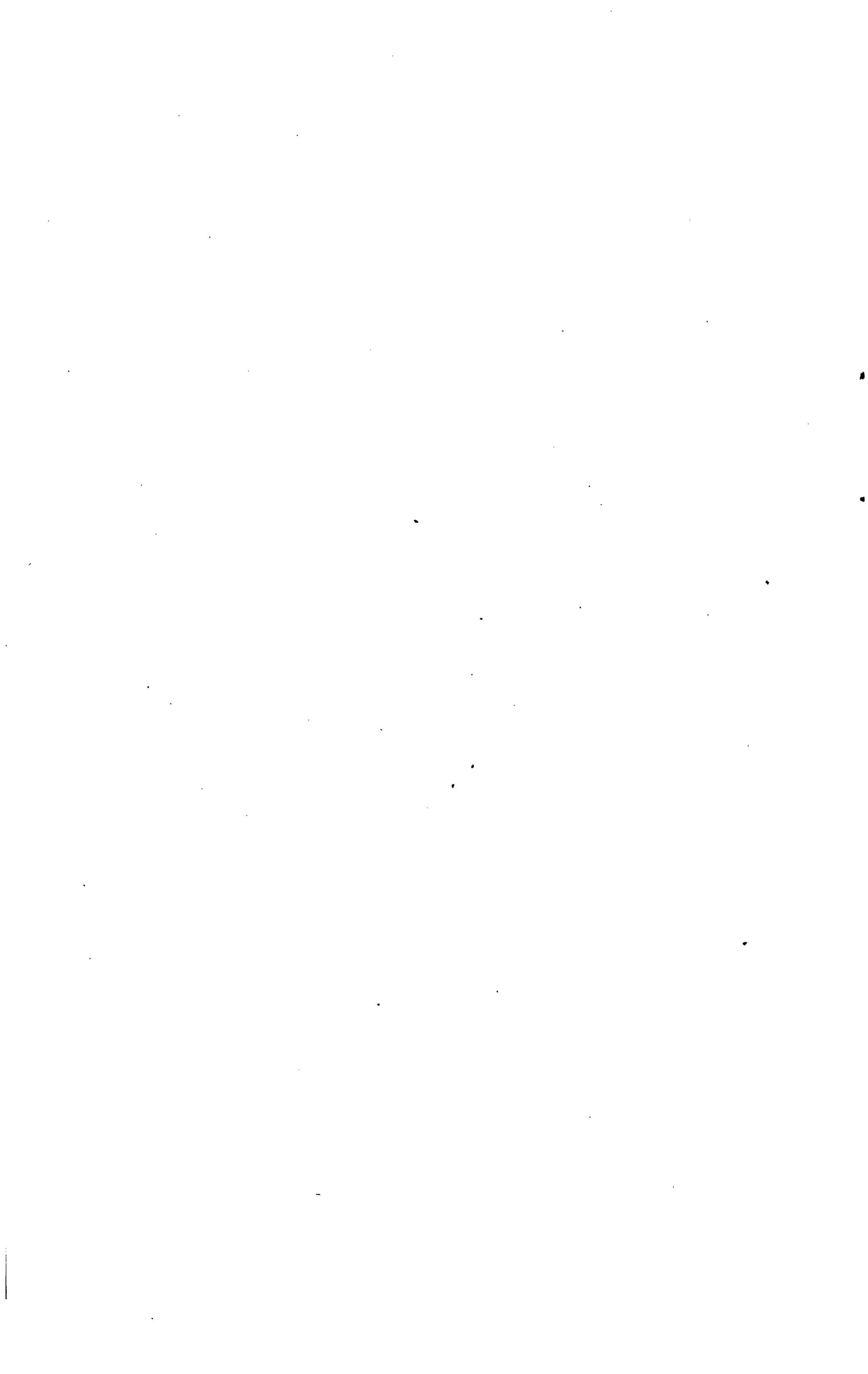
By the Governor:

S. D. DICKINSON,
Secretary of State.



DECREES OF DISSOLUTION.

(565)



Decrees of Dissolution.

IN CHANCERY OF NEW JERSEY.

BETWEEN

MYER HECHT ET AL.,
Complainants,
AND
UNITED TANNERS GLUE
COMPANY,
Defendant.

} On Bill, &c.
Decree of Dissolu-
tion.

This Court having heretofore, on the eleventh day of January, nineteen hundred and one, and on the eighteenth day of February, nineteen hundred and one, appointed Albert C. Wall and Harry F. Walker Receivers of the United Tanners Glue Company, an insolvent corporation; and the said Receivers having filed their report, in which it appears that they have in their hands the sum of eighteen thousand eighteen dollars and thirty cents, and that the total amount of claims filed and allowed by the said Receivers, exclusive of preferred claims for labor, is eighty thousand six hundred and eighty-four dollars and forty-five cents; and the said Receivers now applying for a decree dissolving the corporation and declaring its charter forfeited and void; and it appearing to the Court that due notice of the application for such decree has been mailed to all of the stockholders and creditors of said defendant company,

IT IS THEREUPON, on this twenty-ninth day of December, nineteen hundred and two, Ordered and Decreed that the defendant corporation, the United Tanners Glue Company, be and the same is hereby dis-

solved, and that its charter be and the same is hereby declared forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
H. C. PITNEY,
Vice-Chancellor.

Endorsed:

"Filed Dec. 31, 1902.
S. D. DICKINSON, *Secretary of State.*"

IN CHANCERY OF NEW JERSEY.

BETWEEN
FRANK E. WRIGHT,
Complainant,
AND
UNITED STATES CARBONATE
COMPANY,
Defendant.

} On Bill, &c.
Decree Dissolving
Corporation.

The Receiver appointed in the above entitled cause having disposed of all the property of the said corporation under the direction of this Court, but having not yet distributed the same to the persons entitled thereto; and it appearing that such distribution cannot be made until after the begining of the year nineteen hundred and three, and that before such distribution can be made the estate of the said corporation may become liable to the annual franchise tax to the state of New Jersey for the said year of nineteen hundred and three unless said corporation shall be dissolved; and good reason appearing therefor,

IT IS THEREUPON, on motion of John R. Hardin, Receiver of the said defendant corporation, Ordered that the said United States Carbonate Company be and

the same is hereby dissolved, and that its charter be and the same is hereby declared to be forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,

JOHN R. EMERY,
Vice-Chancellor.

A true copy:

E. C. STOKES,
Clerk.

Endorsed:

"Filed Jan. 6, 1903.

S. D. DICKINSON, *Secretary of State.*"

IN CHANCERY OF NEW JERSEY.

BETWEEN

REED AND CARNRICK, A COR-
PORATION,

Complainant,

AND

WALLACE FOOD COMPANY,
A CORPORATION,

Defendant.

} On Petition.
Decree Dissolving
Corporation.

Upon reading the petition of the complainant, and upon proof of the service of the order to show cause made thereon, bearing date May twenty-fifth, nineteen hundred and three, and it further appearing that the property, franchises, rights and effects of the defendant corporation have heretofore been sold by the Receiver appointed herein, and under the direction of the Court have been distributed among the creditors of said corporation, and sufficient cause appearing therefor,

It is, on this eighth day of June, nineteen hundred and three, on motion of McDermott and Fisk, of counsel with the complainant, Ordered, Adjudged and De-

creed that the Wallace Food Company, the defendant corporation, be and the same is hereby dissolved, and its charter is hereby declared forfeited and void, according to the statute in such case made and provided.

W. J. MAGIE,

C.

Respectfully advised,

EUGENE STEVENSON,
Vice-Chancellor.

A true copy:

E. C. STOKES,
Clerk.

Endorsed:

"Filed June 11, 1903.

S. D. DICKINSON, *Secretary of State.*"

IN CHANCERY OF NEW JERSEY.

BETWEEN		On Petition, &c. Decree Dissolving Defendant Cor- poration.
JOHN SMITH, <i>Comp't,</i> AND C. A. WOOLSEY PAINT & COLOR COMPANY, <i>Def't.</i>		

Proof being made by affidavit filed herein that due notice of the order to show cause, made in the above entitled cause on the eighteenth day of May, nineteen hundred and three, and of its terms, has been mailed to all the creditors and stockholders of said insolvent corporation in accordance with the directions of said order; and it appearing by acknowledgment of service endorsed upon said petition that a copy of the petitioner's petition and of said order was served upon the solicitors of Henry W. Bishop, Esquire, the Receiver of said insolvent corporation, as directed in said order; and it further appearing that the petitioner's purchase at public auction of the property and assets of said in-

solvent corporation included its entire plant, trade marks, good will and business, and no cause being shown or appearing to the contrary,

IT IS THEREUPON, on this twenty-fifth day of May, in the year of our Lord one thousand nine hundred and three, on motion of Carrick & Wortendyke, solicitors and of counsel with the petitioners, and in presence of Messrs. Brinkerhoff and Fielder, of counsel with said Receiver, Ordered that the defendant corporation, C. A. Woolsey Paint & Color Company, be and the same is hereby dissolved, and that its charter be and the same is hereby declared forfeited and void; but this decree shall not impair or affect the right of said Receiver to collect the property and assets of said insolvent corporation, and to sell the same and distribute the proceeds thereof among the creditors and stockholders thereof, and to enforce the payment of claims due by suit in any court of competent jurisdiction.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
Vice-Chancellor.

[L. S.]

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a court of record, do hereby certify that the foregoing is a true copy of the decree dissolving defendant corporation, in a cause wherein John Smith is complainant and C. A. Woolsey Paint & Color Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said court, at Trenton, this twenty-eighth day of May, A. D. nineteen hundred and three.

E. C. STOKES,
Clerk.

Endorsed:

"Filed June 13, 1903.
S. D. DICKINSON, *Secretary of State.*"

IN CHANCERY OF NEW JERSEY.

BETWEEN
 THOMPSON IRVIN ET AL.,
Comp'ts
 AND
 ATLANTIC CITY LAUNDRY
 COMPANY,
Def't.

} On Bill for Re-
 ceiver, &c.
 Order for Final
 Dividend and
 Discharge.

This cause being opened to the Court by William M. Clevenger, of counsel with James B. Adams, Receiver, and in pursuance of an order made by this Court on the first day of June, nineteen hundred and three, it appearing that all the creditors of the defendant corporation had received due notice of an application to this Court to state the account of the Receiver, to confirm his report, to fix his fee, to fix the fee of his counsel and for an order of distribution, and it appearing by the said report that the total receipts of the said Receiver from all sources were five hundred and forty-three dollars and thirteen cents, and that the total disbursements were one hundred and thirty-three dollars and ninety-seven cents, and that there is in the hands of the said Receiver at this time, the sum of four hundred and nine dollars and sixteen cents with which to pay his fees, expenses, costs, counsel fee and the creditors of the said insolvent corporation.

And it further appearing that the said Receiver received for the use and occupation of a portion of the real estate which came to his hands as Receiver the sum of two hundred and fifty dollars, and that the same is claimed by the said Receiver as a part of the assets to be distributed to the creditors of the said insolvent corporation, and also by the Atlantic Safe Deposit and Trust Company, trustees for the bondholders, who held a mortgage against the property so leased as aforesaid, and the said Atlantic Safe Deposit and Trust Company in and by the said order of June first, nineteen hundred and three, having been directed to show cause on this day why the said two hundred and fifty

DECREES OF DISSOLUTION. 573

dollars should not be retained by the said Receiver and distributed to the creditors of the said insolvent corporation,

It is, on this twenty-ninth day of June, nineteen hundred and three, on motion of William M. Clevenger, of counsel with James B. Adams, Receiver as aforesaid, Ordered that the said account of the said Receiver be and the same is hereby stated as submitted, and as so stated is confirmed and approved.

It is ordered that the said Receiver pay over to the Atlantic Safe Deposit & Trust Company, or to its solicitor, the sum of two hundred and thirty dollars, and retain for his own use the sum of twenty dollars, which together shall represent the two hundred and fifty dollars collected for rents received from the real estate under a stipulation between the said Receiver and the said Atlantic Safe Deposit & Trust Co.

And it is further ordered that the said James D. Adams retain out of the moneys in his hands the sum of fifty dollars in full for his services and commissions as such Receiver.

And it is further ordered that he also retain out of the money in his hands sufficient to pay to his solicitor his taxed costs in this suit.

And it appearing that a final dividend should be made, it is further ordered that the said Receiver, after deducting from the moneys in his hands the amounts heretofore directed to be paid for costs, counsel fee and Receiver's compensation, he do pay to the State of New Jersey the amount due it for corporation tax, and that, if after the payment of the amount due to the State of New Jersey for the tax aforesaid, there be anything left in his hands, that he do pay a pro rata share to the creditors of the defendant corporation upon their claims before mentioned entitled to a dividend.

And it is further ordered that he be discharged from his office of Receiver, and from all liabilities on account thereof, except so far forth as respects the payments of said dividend and any money or assets that may hereafter come to his hands belonging to the defendant corporation.

And it is further ordered, adjudged and decreed that the said Atlantic City Laundry Company be and the

same is hereby dissolved as a body corporate, and the charter thereof is hereby declared forfeited and void.

And it is further ordered that a copy of this decree be filed forthwith in the office of the Secretary of State of this State, as required by law.

W. J. MAGIE,

C.

Respectfully advised,

M. P. GREY,

Vice-Chancellor.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a court of record, do hereby certify that the foregoing is a true copy of [L. s.] the order for final dividend and discharge, filed June 29, 1903, in a cause wherein Thompson Irvin et als. are complainants and the Atlantic City Laundry Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said court, at Trenton, this seventh day of July, A. D. nineteen hundred and three.

E. C. STOKES,

Clerk.

Endorsed:

"Filed July 9, 1903.

S. D. DICKINSON, *Secretary of State.*"

IN CHANCERY OF NEW JERSEY.

BETWEEN

FREDERICK P. CARHUFF,
Complainant,

AND

E. R. CARHUFF & SON CO.,
Defendant.

} On Petition.
Decree Declaring
Charter Void.

The petition of Frederick F. Guild, Receiver of the E. R. Carhuff & Son Co., the corporation defendant in

the above entitled cause, having been filed herein on the twenty-second day of December, nineteen hundred and three, and an order to show cause having been made therein requiring the stockholders of said corporation to show cause why a decree should not be made pursuant to the prayer of said petition dissolving the said E. R. Carhuff & Son Co., and declaring its charter forfeited and void; and proof of service on the stockholders of said corporation and on the State Board of Assessors and the Attorney-General of New Jersey, as directed by said order to show cause, being produced and filed, and no person appearing in opposition to this application, and no other reason appearing to the contrary, and the court being of the opinion that the prayer of said petition should be granted,

IT IS THEREUPON, on this fifth day of January, nineteen hundred and four, on motion of Frederick F. Guild, Receiver aforesaid, Ordered, Adjudged and Decreed and, and the Chancellor does, by virtue of the power and authority of this Court and the statute in such case made and provided, order, adjudge and decree that the said E. R. Carhuff & Son Co. be and the same is hereby dissolved, and its charter be and the same is declared forfeited and void; *provided, however,* that nothing herein shall affect any right of action which said Receiver or said corporation may have against any person or corporation for any cause whatsoever, or any suit brought against said corporation before the appointment of said Receiver and now pending.

W. J. MAGIE,
C.

Respectfully advised,
JOHN R. EMERY,
Vice-Chancellor.

The foregoing is a true copy of decree declaring charter void, filed January 6, 1904.

I, Edward C. Stokes, Clerk of the Court
of Chancery of the State of New Jersey,

[L. s.] the same being a court of record, do hereby certify that the foregoing is a true copy of decree declaring charter void, filed Jan. 6, 1904, in the cause wherein Frederick P. Carhuff is complainant and E. R. Carhuff & Son Co. is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said court, at Trenton, this eleventh day of January, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed Feb. 23, 1904.

S. D. DICKINSON, *Secretary of State.*"

IN CHANCERY OF NEW JERSEY.

BETWEEN
THE NEWARK CITY NA-
TIONAL BANK,
Complainant,
AND
M. MERCY MANUFAC-
TURING COMPANY,
Defendant.

} On Bill, &c.
Decree of Dissolu-
tion.

It appearing to the Court that the complainant's bill of complaint heretofore has been taken as confessed against the defendant, M. Mercy Manufacturing Company, and that said company was incorporated under the laws of this State, and it further appearing to the satisfaction of the Court, by the report under oath of Joseph Isenburg, the Receiver appointed in the cause, which report filed therein has been approved and confirmed by order of this court bearing date this day, that the said defendant company is hopelessly insolvent

and without any prospect of being able to resume business, and should be dissolved and its charter declared forfeited and void, and no cause appearing to the contrary,

It is, on this eighteenth day of March, nineteen hundred and four, on motion of Samuel H. Pennington, of counsel with the complainant, by William J. Magie, Chancellor of the State of New Jersey, Ordered, Adjudged and Decreed, and the said Chancellor, by virtue of the power and authority of this Court, hereby doth order, adjudge and decree that the corporation defendant, the said M. Mercy Manufacturing Company, be and the same hereby is dissolved, and that its charter be and the same hereby is declared forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
JOHN R. EMERY,
Vice-Chancellor.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of record, do hereby certify that the foregoing is a true copy
[L. s.] of the decree of dissolution, filed March 19, 1904, in the cause wherein The Newark City National Bank is complainant and M. Mercy Manufacturing Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court, at Trenton, this twenty-second day of March, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed March 24, 1904.
S. D. DICKINSON, *Secretary of State.*"

IN CHANCERY OF NEW JERSEY.

BETWEEN

ROBERT H. McCARTER, Atty-
Gen'l,*Informant,*

AND

NEW YORK & NEVADA COPPER
COMPANY,*Defendant.*On Information.
Decree.

This matter being opened to the Court by Lindley M. Garrison and William H. Corbin, of Counsel with the Receivers, and a petition by the said Receivers having been presented and read and ordered filed, and it appearing by the affidavit of Mary V. Zimmerman that due and legal notice of the presentation of the above-mentioned petition was given to each of the stockholders and creditors of defendant corporation, and it further appearing to the Court that all of the assets of the said corporation have been sold under the orders of this Court and that the Receivers have no occasion to use the franchises of the said corporation for the further prosecution of its business, and that by reason of the sale of its property as aforesaid this Court will not be called upon to direct the Receivers to reconvey to the corporation its property, franchises, rights and effects, and that this Court is vested by force of the statute with power to decree a dissolution of the corporation and to declare its charter forfeited and void, and it appearing proper for the Court under the circumstances, to make such decree: It is, on this twenty-fifth day of April, nineteen hundred and four, on motion of Lindley M. Garrison and William H. Corbin, Counsel with the Receivers, by William J. Magie, Chancellor of the State of New Jersey, ordered, adjudged and decreed, and the said Chancellor by virtue of the power and authority of this Court doth hereby order, adjudge and decree, that New York &

DECREES OF DISSOLUTION. 579

Nevada Copper Company is dissolved and its charter is forfeited and void.

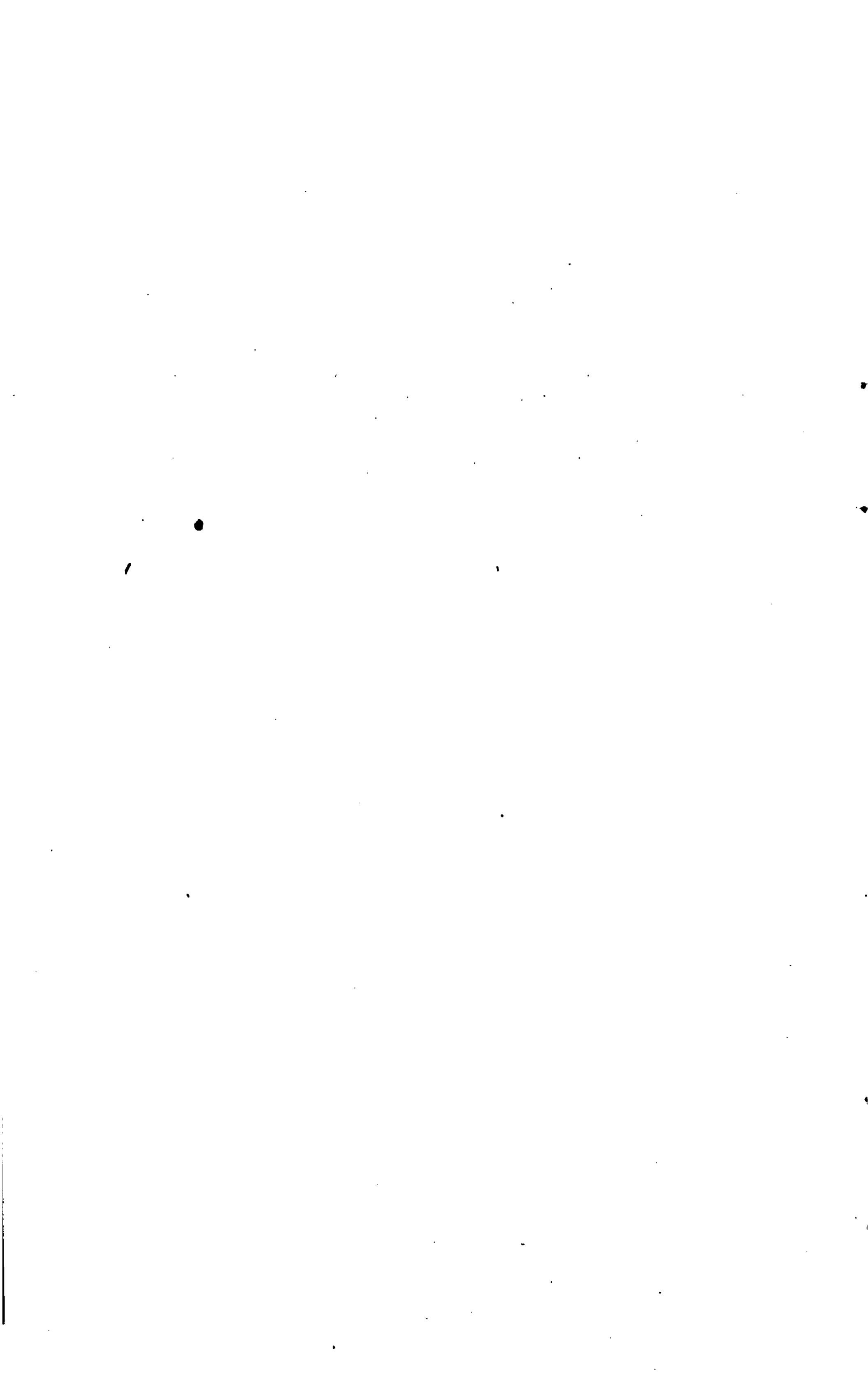
W. J. MAGIE,
C.

Respectfully advised,
HENRY C. PITNEY,
V. C.

A True Copy.
E. C. STOKES,
Clerk.

Endorsed:

"Filed April 26, 1904.
S. D. DICKINSON,
Secretary of State."



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(581)



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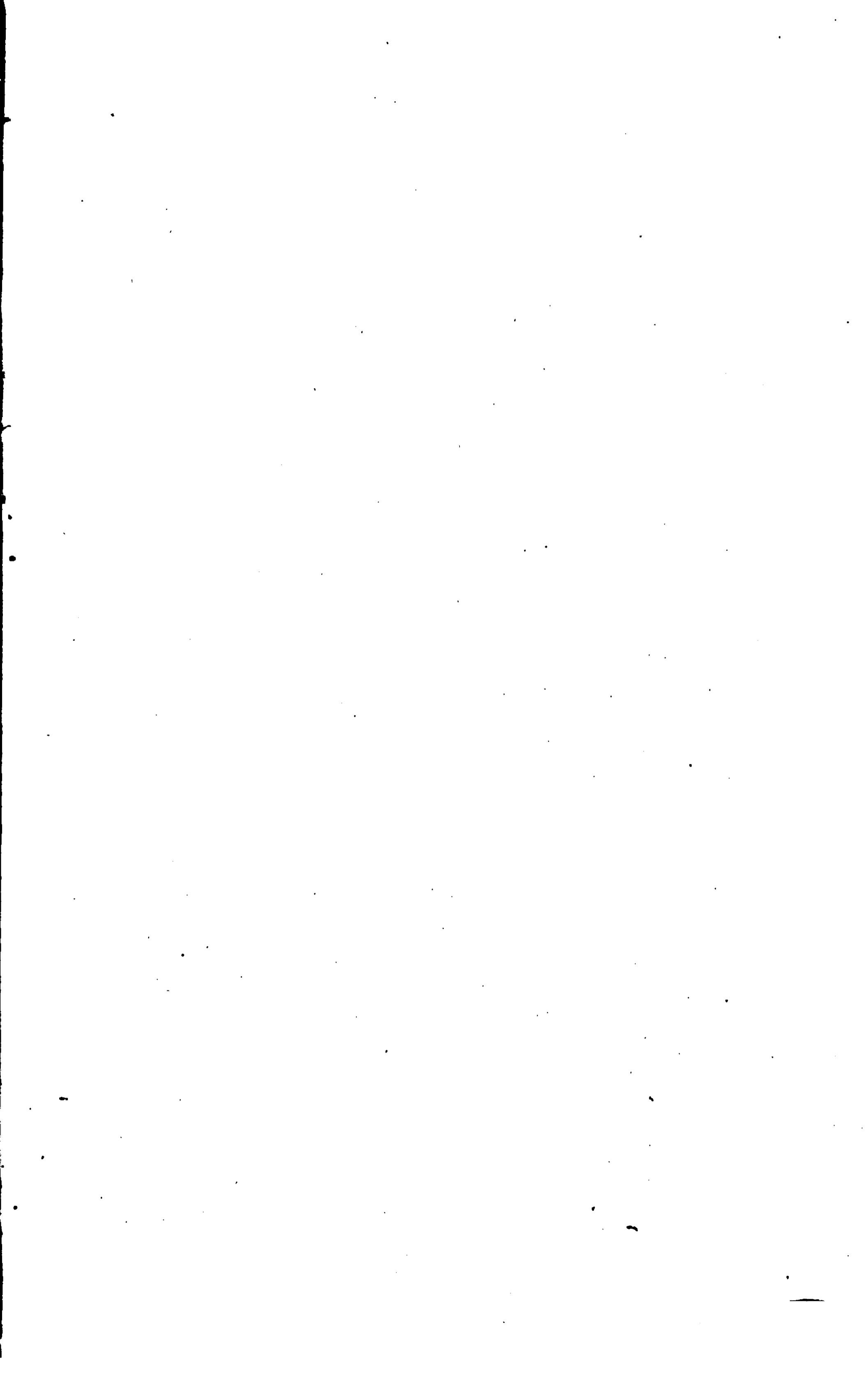
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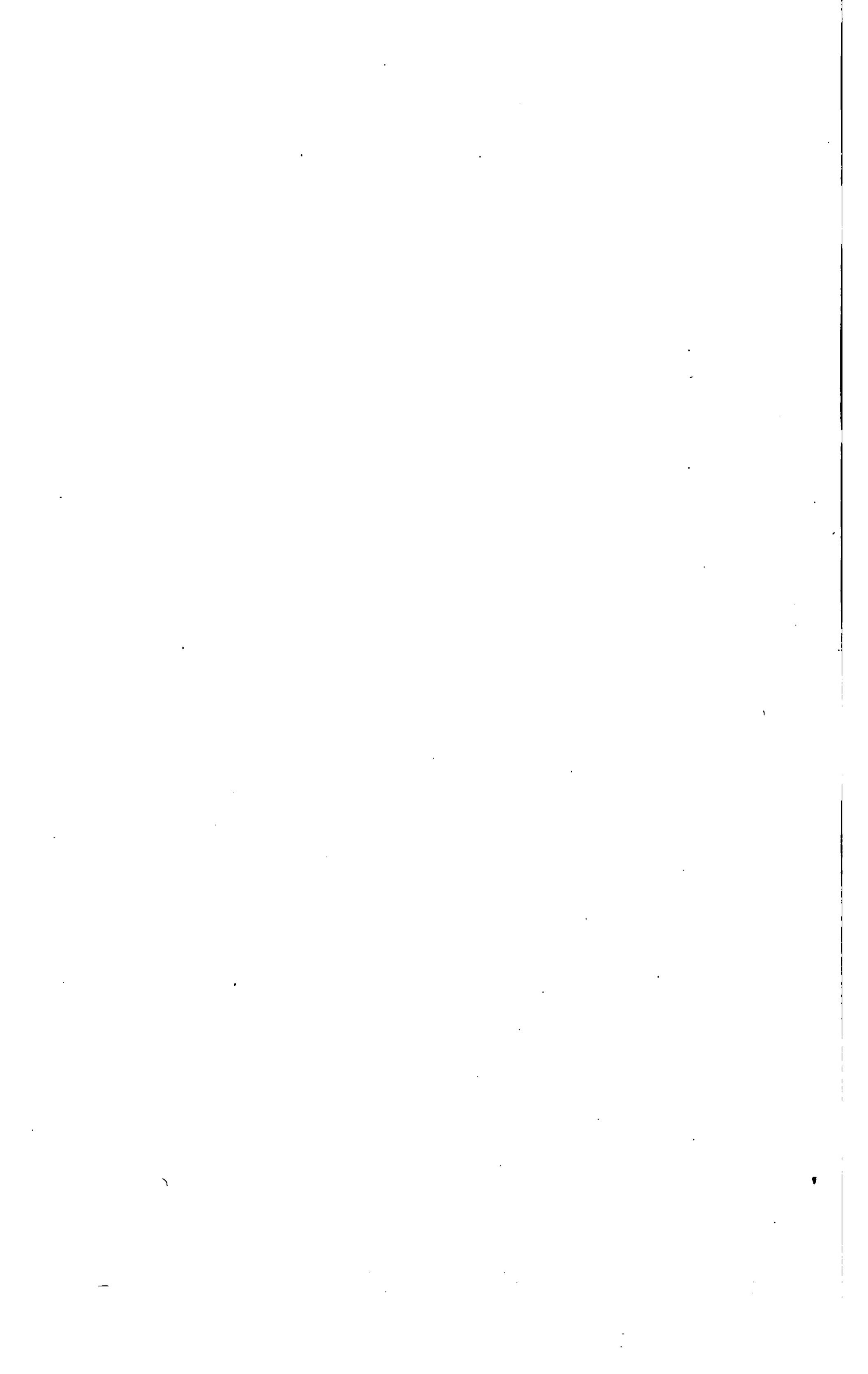
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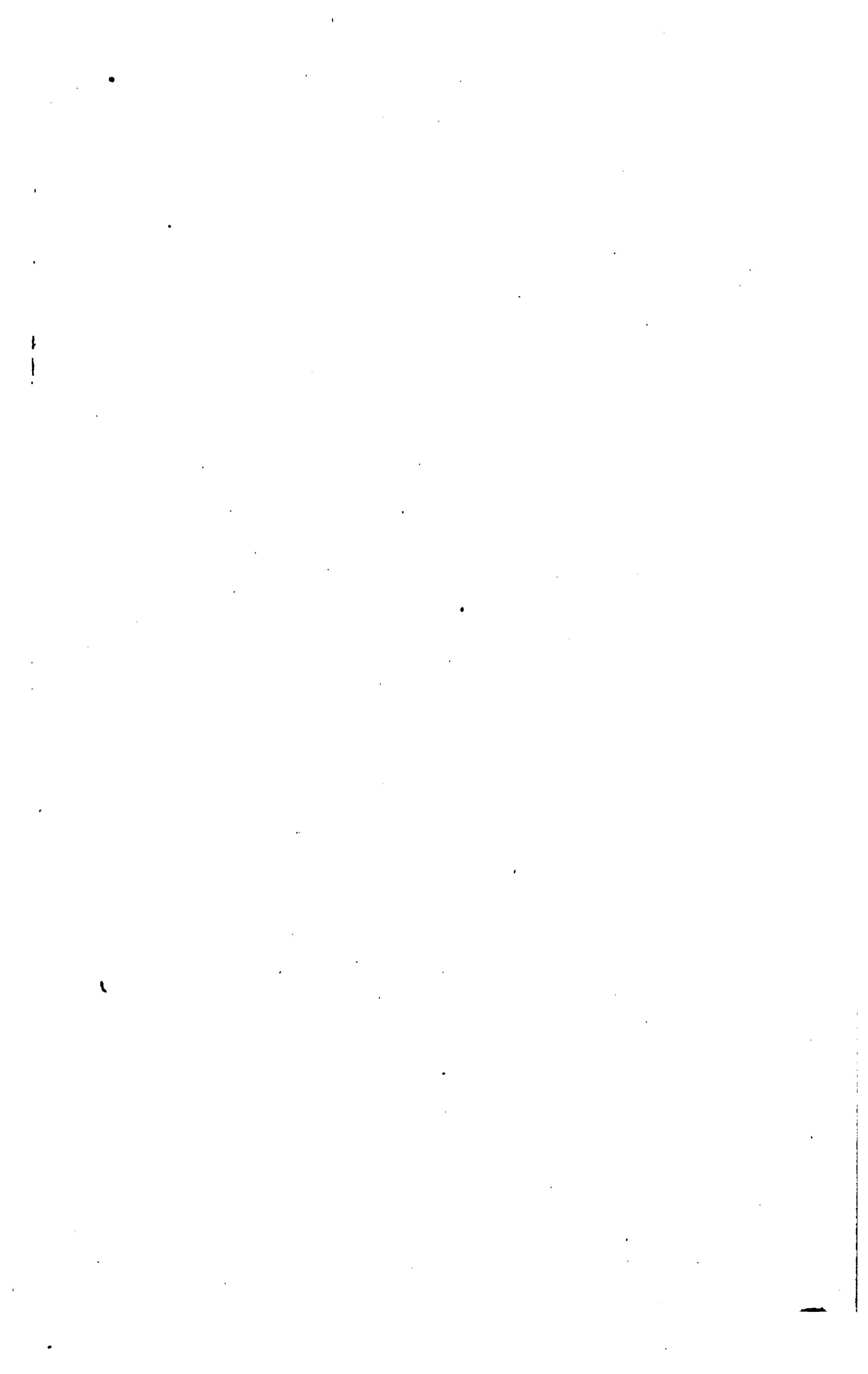
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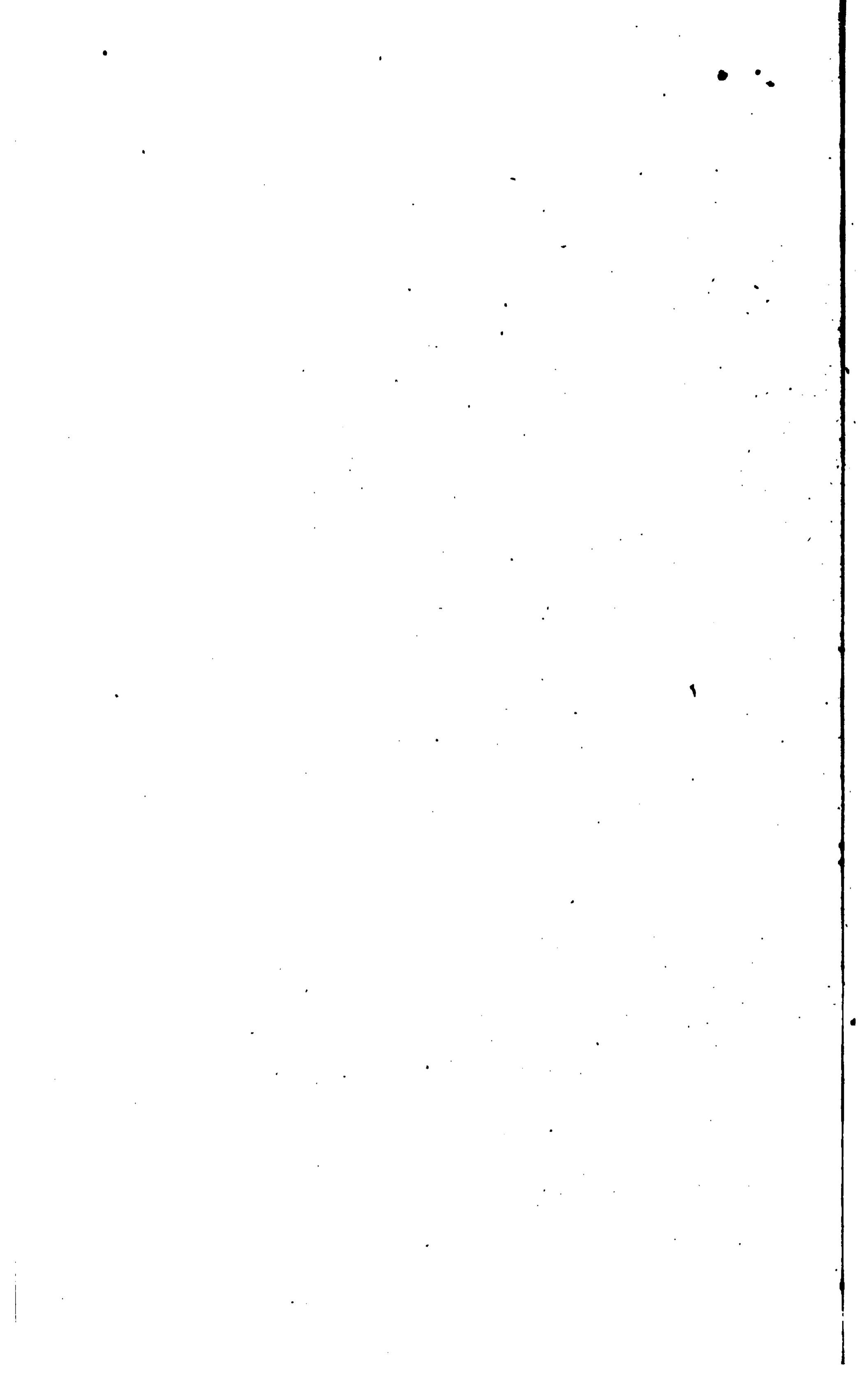
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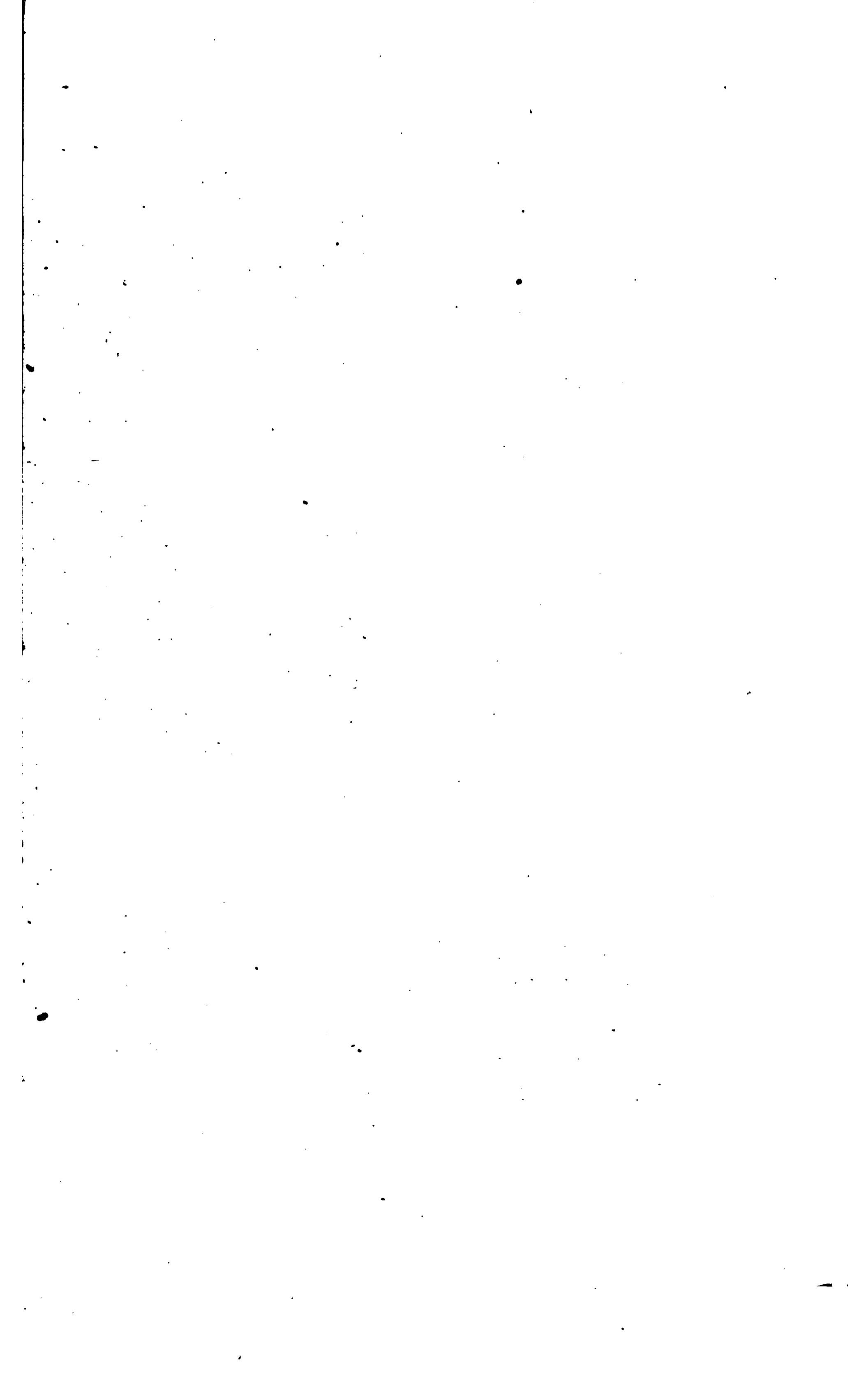
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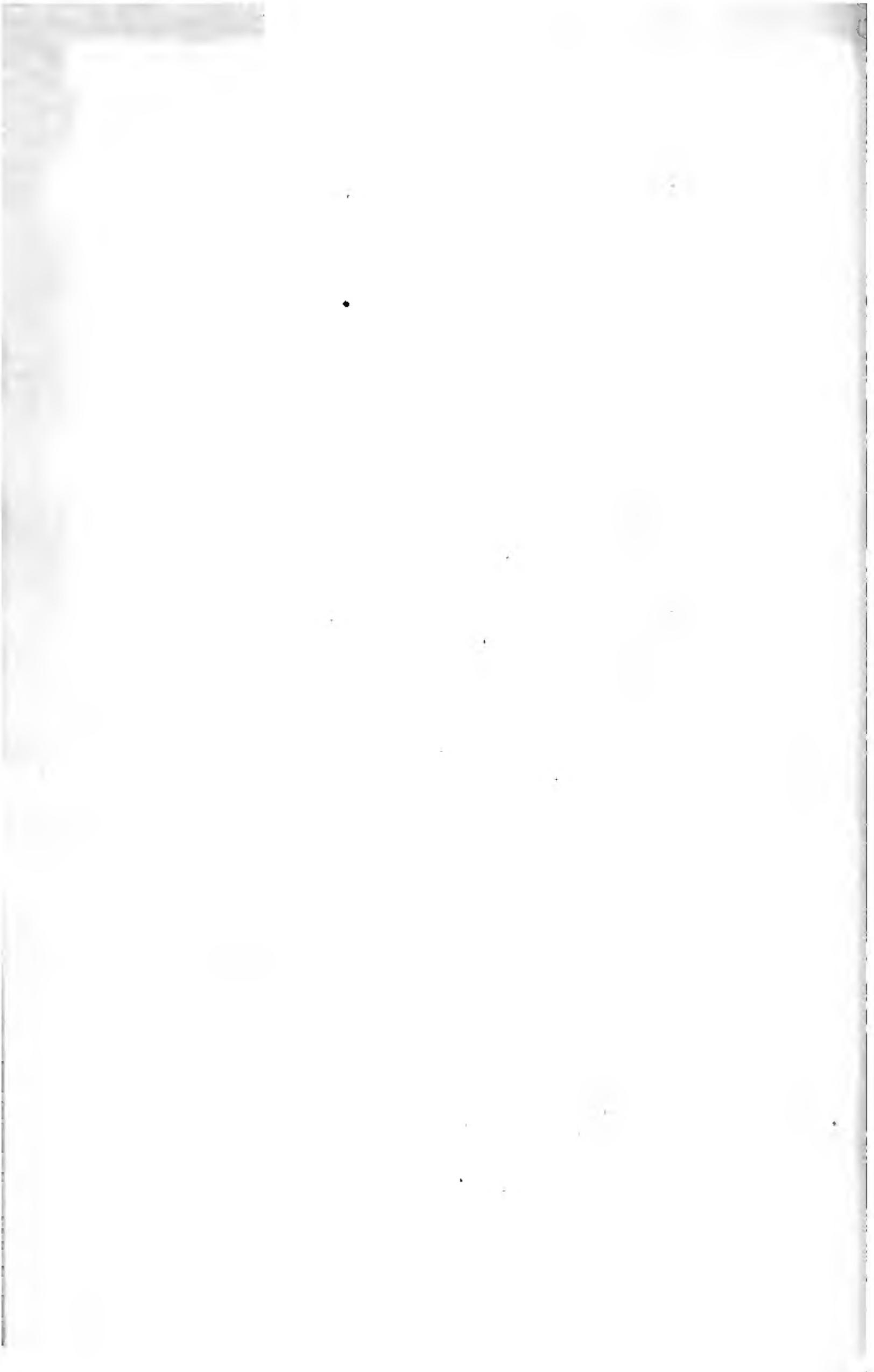












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